Calendar No. 1989

84TH CONGRESS, 2d Session } SENATE { REPORT No. 1972

AGNES V. WALSH, ESTATE OF MARGARET T. DENEHY, AND DAVID WALSH

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1245]

The Committee on the Judiciary, to which was referred the bill (S. 1245) for the relief of Agnes V. Walsh, the estate of Margaret T. Denehy, and David Walsh, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

On page 1, line 5, strike "the sum of $10,000 to each of" and insert in lieu thereof the word "to".

On page 1, line 9, following Massachusetts insert the following: "the sums of $500, $900, and $352.15, respectively.".

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is to limit the amounts awarded in this claim in accordance with a claim filed with the Department of the Navy on February 9, 1951.

PURPOSE

The purpose of the proposed legislation, as amended, is to pay to Agnes V. Walsh, the estate of Margaret T. Denehy, and David Walsh the sums of $500, $900, and $352.15, respectively, in full settlement of all claims against the United States for personal and property damage suffered as the result of a collision between a Navy vehicle and the vehicle in which the claimants were riding on August 24, 1945.

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STATEMENT

The accident for which this claim for damages is made involved Navy ambulance No. 200350, driven by A. D. Hohnecker, hospital apprentice, first class, USNR, and a car driven by David Walsh. It occurred on August 24, 1945, at 10:40 p. m., at the junction of Atlantic Avenue and Congress Street, Boston, Mass. Atlantic Avenue is 80 feet wide at this point. The Walsh car was proceeding across Atlantic Avenue in a westerly direction and was within about 10 or 12 feet of the westerly side of Atlantic Avenue when the collision took place. The Navy vehicle was proceeding south on Atlantic Avenue, without any audible or visible signal as far as the record shows, and passed to the right of an American Express truck that had stopped to allow the Walsh car to pass. The Walsh car was proceeding at a rate of speed of about 10 to 15 miles per hour. The Navy vehicle was proceeding at a rate of speed of about 30 to 35 miles per hour and was passing a car on the right, as mentioned above, and therefore was proceeding into an intersection with the view to the left blind and at an excessive rate of speed. At the scene of the accident, the driver stated he was proceeding to the South Station to place a patient aboard a train, a patient that had been at Chelsea Naval Hospital for some time, and therefore was not an emergency case being rushed to a hospital.

The law of Massachusetts, under General Laws, chapter 90, clearly states that the car entering an intersection first has the right-of-way. With the Walsh car traveling at a low rate of speed and being about 70 feet through the intersection and the Navy car traveling at an excessive speed and just entering the intersection, there is no question that the Walsh car had definitely entered the intersection first and that there was negligence on the part of the operator of the Navy ambulance, and no indication of negligence on the part of Walsh.

As a result of this accident, Agnes V. Walsh was injured physically and was disabled for some length of time. She suffered a severe lumbosacral strain and nervous shock. Mrs. Denehy was more severely injured and was hospitalized and treated for quite a period of time. Her injuries included injuries to the left shoulder, arm, and elbow and spiral fracture of the upper left humerus. David Walsh was not physically incapacitated other than being badly shaken up but did suffer severe property damage to his automobile, this amount of damage being in excess of $350.

In October 1945, a claim was submitted by the three people in the car who were injured in the amount of $10,400. Nothing was done on these claims inasmuch as the Navy Department was limited in administrative determination of claims to an amount not exceeding $1,000. On February 9, 1951, claims were resubmitted for $352.15, $500, and $900 by David Walsh, Agnes V. Walsh, and the administratrix of the Margaret T. Denehy estate respectively. These claims in reduced amounts brought the matter within the above-mentioned jurisdictional limit but were precluded for consideration by the Navy Department by the statute of limitations contained in the Federal Tort Claims Act which was enacted about 1 year after this accident originally took place.

The record indicates some of the difficulties in amassing the proper material to present this claim during the running of the statute of

limitations. After the timely filing of the first claim, one of the claimants died and an administratrix had to be appointed and the heirs ascertained. It was discovered after a period that some of the papers filed with the claim were unsigned and other difficulties ensued. Finally, it must be borne in mind that the Tort Claims Act was only enacted a little less than a year after the accident and most attorneys were not familiar with its provisions.

A similar bill was reported from subcommittee in the 83d Congress but was never voted on by the committee.

The Navy Department is opposed to the enactment of S. 2184.

The committee feels that the amount of the claim should be reduced to the amounts stated by the claimants in their claim filed with the Navy Department on February 9, 1951.

After a careful study of the record in this case, in view of the negligence of the Navy driver involved, and in view of the reduction in the amount of the claims, the committee is constrained to recommend that this bill be favorably considered.

The committee files contains material indicating that substantial legal services have been rendered in connection with this claim and therefore the proviso for attorney's fees has been retained.

Attached hereto is the report from the Navy Department and other material data.

DEPARTMENT OF THE NAVY,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., August 18, 1953.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of July 1, 1953, to the Secretary of the Navy requesting comment on S. 2184, a bill for the relief of Agnes V. Walsh, the estate of Margaret T. Denehy, and David Walsh.

The purpose of S. 2184 is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Agnes V. Walsh, David Walsh, and the estate of Margaret T. Denehy the sum of $10,000 each in full settlement of all claims against the United States for personal injuries sustained by Agnes V. Walsh and the late Margaret T. Denehy, and for personal injuries and property damage sustained by David Walsh when the automobile in which they were riding was struck by a United States Navy motor vehicle.

The records of this Department indicate that these claims arose in 1945 by reason of a collision occurring in Boston, Mass., between a Navy ambulance and a private vehicle owned and operated by David Walsh. At about 10:40 p. m. on August 24, 1945, the Navy ambulance, proceeding south behind a truck on Atlantic Avenue, pulled to the right to pass the truck at the intersection of Congress Street and Atlantic Avenue. When about 6 feet into the intersection the Navy ambulance collided with the vehicle of David Walsh. The latter vehicle, proceeding along Congress Street, had entered the intersection from the left of the Navy ambulance and was nearly 70 feet through the 80-foot intersection at the time of the collision.

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The estimated speed of the Navy ambulance was about 30 miles per hour and that of the private vehicle from 25 to 30 miles per hour.

A review of the report of investigation in this case discloses that claims have been submitted in different amounts on different dates. On October 15, 1945, a claim was submitted by David Walsh for $5,379.65, inclusive of property damage and personal injury. On March 5, 1946, Agnes V. Walsh and Margaret Denehy filed claims for $2,500 for personal injuries. Consideration could not be given to these claims, however, inasmuch as the authority of the Department of the Navy governing the administrative determination of claims such as these is limited to those not exceeding $1,000. On February 9, 1951, claims were resubmitted for $352.15, $500, and $900 by David Walsh, Agnes V. Walsh, and the administratrix of the estate of Margaret Denehy, respectively. These claims in reduced amounts brought the matter within the above-mentioned jurisdictional limit but were precluded from consideration by this Department by the statute of limitations contained in the Federal Tort Claims Act, and the interpretations placed on that statute by the Federal district courts. In this connection it may be noted that there is no record of any action taken by the claimants, during the intervening years, which would have the effect of tolling the statute of limitations.

In view of the fact that the claims were not properly filed within the period specified by the statute of limitations and thus are "forever barred" from consideration under the provisions of the Federal Tort Claims Act, and considering the great discrepancy between the last aggregate amount claimed as damages ($1,752.15) and the aggregate amount specified in the bill ($30,000), the Department of the Navy is constrained to oppose the enactment of S. 2184.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

Sincerely yours,

IRA H. NUNN,
Rear Admiral, USN,
Judge Advocate General of the Navy
(For the Secretary of the Navy).

UNITED STATES SENATE,
Washington, D. C., April 21, 1955.

Hon. HARLEY KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: In the absence from Washington of Senator Kennedy, who is, as you know, recuperating from a spinal operation, I am taking the liberty of contacting you to express his interest in the case of Agnes V. Walsh, the estate of Margaret T. Denehy, and David Walsh, for whose relief he had filed private bill S. 2184 in the 83d Congress.

Since it was not possible to take final action on this bill before the close of the 83d Congress, and in view of Senator Kennedy's continued desire to be of all possible assistance in this matter, I wish to advise that we have recently arranged to have a new bill introduced by Senator Saltonstall in behalf of Senator Kennedy for the relief of the

Walshes. This new bill is S. 1245, which was introduced in the Senate on February 28, 1955, and referred to your committee.

We are enclosing herewith an up-to-date statement of the facts connected with this matter, which we feel will prove helpful to your committee in its consideration of S. 1245 and, needless to say, we sincerely hope that this bill will receive favorable passage in the Senate.

Thanking you in advance for assistance you may be in position to render in this matter, and with kindest regards, I remain,

Sincerely,

T. J. REARDON, Jr.,
Administrative Assistant.

APRIL 8, 1955.

STATEMENT IN RE AGNES V. WALSH, THE ESTATE OF MARGARET T. DENEHY AND DAVID WALSH

The following is a statement of the facts surrounding and the background to claims by Agnes V. Walsh, the estate of Margaret T. Denehy, and David Walsh, known as S. 1245, 84th Congress, 1st session.

The accident for which claim for damages is made involved Navy ambulance No. 200350, driven by A. D. Hohnecker, hospital apprentice, first class, USNR and a car driven by David Walsh. It occurred on August 24, 1945, at 10:40 p. m. at the junction of Atlantic Avenue and Congress Street, Boston, Mass. Atlantic Avenue is 80 feet wide at this point. The Walsh car was proceeding across Atlantic Avenue in a westerly direction and was within about 10 or 12 feet of the westerly side of Atlantic Avenue when the collision took place. The Navy car was proceeding south on Atlantic Avenue and passed to the right of an American Express truck that had stopped to allow the Walsh car to pass. The Walsh car was proceeding at a rate of speed of approximately 10 to 15 miles per hour. The Navy car was proceeding at a rate of speed of about 30 to 35 miles per hour and was passing a car on the right, as mentioned above, and therefore was proceeding into an intersection with the view to the left blind and at an excessive rate of speed. At the scene of the accident, the driver stated he was proceeding to the South Station to place a patient aboard a train, a patient that had been at Chelsea Naval Hospital for some time, and therefore not an emergency case being rushed to a hospital.

The law in Massachusetts, under General Laws, chapter 90, clearly states that the car entering an intersection first has the right-of-way. With the Walsh car traveling at a low rate of speed and being about 70 feet through the intersection and the Navy car traveling at an excessive speed and just entering the intersection, there is no question that the Walsh car had definitely entered the intersection first and that there was great negligence on the part of the operator of the Navy ambulance and no evidence of any contributory negligence on the part of Walsh. As to Mrs. Denehy and Mrs. Walsh they were passengers and therefore any negligence on the part of Walsh, even if there were any, would not affect their claims in any instance.

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As a result of this accident, Agnes V. Walsh was injured physically and was disabled for some length of time. She suffered a severe lumbosacral strain and nervous shock. Mrs. Denehy was more severely injured and was hospitalized and treated for quite a period of time and never did fully recover completely from the effects of the accident prior to her death. Her condition has been described as ecchymosis about the left shoulder, arm, and elbow and spiral fracture of the upper left humerus.

David Walsh was not physically incapacitated other than being completely shaken up but did suffer severe property damage to his automobile. In fact, the damage amounted to more than $350.

It is admitted that there has been a great amount of delay involved in prosecuting these claims, but the same was due to many unusual developments. At the outset, there was delay due to the fact that it was difficult to determine the extent of permanent injury to Mrs. Denehy.

Forms were sent to the claimants to fill out in triplicate and the same were filed timely. Mr. Walsh's was filed October 15, 1945, and Mrs. Walsh's and Mrs. Denehy's on March 5, 1946. Then it was with a considerable amount of difficulty that a medical report was finally procured from a Dr. Joseph Riley. This report was necessary for the Navy Department to compile its report on the case. It was only after numerous letters were sent by the attorney handling the case at the time, and by the Navy Department was the report finally obtained. I believe this took well over a year.

Following this, there was considerable correspondence exchanged between the Navy Department and the attorney for the claimants in regard to the claims, most of which was procedural in the processing of such claims. Said correspondence is now in the possession of the attorney presently representing these claimants. During this period, on July 6, 1948, to be exact, Mrs. Denehy died. It was necessary then to take out administration in order to go forward with her claim. This took a considerable length of time to accomplish not only because of the procedure involved, but also because the whereabouts of some of the heirs was unknown.

After the appointment of the administratrix was made, an attempt was made by the attorney on the case to facilitate matters and he went personally to the Chelsea Naval Hospital to accomplish the same. He discovered that the officer who had been handling the claim was no longer in the same billet and that the officer who was then in charge of such matters knew nothing of the case. Upon request, the whole file was transferred to the district headquarters. Then it was discovered that the repair bill for the work done on the Walsh vehicle, which was submitted to the Navy Department, had not been signed. Attempts were made to secure his signature and investigation showed that he had moved twice since the accident. He was finally located and his signature secured. In the meantime, during this period of preliminary negotiation and filing of forms and the like, the short statute of limitations under the Federal Tort Claims Act was running on these claims and of course eventually ran out. This particular act was enacted at just about the time of the accident involved herein. The ignorance of the existence of this law is no excuse, but should be considered in a matter of this sort at this time.

In regard to the newness of the law, it can well be said that most attorneys at that time were not even aware of its existence. Even if its existence was known of by some, those attorneys were more than likely completely unacquainted with it and its many provisions. Added to this lack of familiarity are the numerous complications spelled out in detail above, which the parties were faced with in processing these claims.

This in substance, is a summary of the facts, the complications, the problems and the equities involved in these claims. It would seem that these claims, as embodied in Senate bill 1245, would be appropriate measures to be favorably considered by the United States Senate and its respective committees.

AFFIDAVIT

I, David Walsh, of Cambridge, Middlesex County, Commonwealth of Massachusetts, do hereby despose and say:

That on August 24, 1945, I was the owner and operator of a motor vehicle that was struck by a United States Navy ambulance at the intersection of Atlantic Avenue and Congress Street, Boston, Mass.

That as a result of said collision, I was completely shaken up, was attended by Dr. Joseph Riley 2 or 3 times and was out of work for a period of 3 to 4 days but sustained no permanent disability;

That as a result of said collision, I sustained extensive damage to my motor vehicle to the extent of more than $350.

DAVID WALSH.

JANUARY 7, 1956.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk, ss:

Then personally appeared David Walsh known to me to be the person hereto subscribing, and made oath that the above statements, by him subscribed, are true and correct, according to the best of his knowledge, information, and belief.

Before me,

JOSEPH F. LYONS,
Notary Public.

My commission expires May 2, 1958.

AFFIDAVIT

I, Agnes V. Walsh, of Cambridge, Middlesex County, Commonwealth of Massachusetts, do hereby depose and say:

That on August 24, 1945, I was a passenger in an automobile owned and operated by my husband, David Walsh;

That the same was collided with by a United States Navy ambulance at the intersection of Atlantic Avenue and Congress Street, Boston, Mass.

That as a result of said accident, I sustained severe physical injury to my lower back region;

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That I was treated on numerous occasions by Dr. Joseph Riley, since deceased;

That Dr. Joseph Riley died sometime after 1948, but the place of his death or the present whereabouts of his medical records are unknown to me after investigation;

That certain records concerning my injuries were forwarded to the Navy Department shortly after the accident;

That said records and all other papers in this matter were forwarded to the Judge Advocate General's office a few years ago;

That for said medical care and attention I incurred bills of approximately $75;

That I am still troubled periodically with this back condition and have never fully recovered therefrom.

AGNES V. WALSH.
JANUARY 7, 1956.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk, ss:

Then personally appeared, Agnes V. Walsh, known to me to be the person hereto subscribing, and made oath that the above statements, by her subscribed, are true and correct, according to the best of her knowledge, information and belief.

Before me,

JOSEPH F. LYONS, *Notary Public.*

My commission expires May 2, 1958.

AFFIDAVIT

I, Agnes V. Walsh, of Cambridge, Middlesex County, Commonweath of Massachusetts, do hereby depose and say:

That on March 22, 1951, I was duly appointed the administratrix of the estate of Margaret T. Denehy, late of Cambridge, Mass. (Middlesex Probate Registry Docket No. 294019);

That, on August 24, 1945, Margaret T. Denehy was a passenger in an automobile owned and operated by my husband, David Walsh;

That the said vehicle was collided with by a United States Navy ambulance at the intersection of Atlantic Avenue and Congress Street, Boston, Mass.;

That as a result of said accident, she sustained severe personal injuries, i. e. spiral fracture of the left humerus and a general shaking up;

That as a result of said injuries, she was confined to the Cambridge City Hospital for 2 weeks and was forced to have competent medical attention and medication for a considerable period of time thereafter;

That for said care and attention she incurred bills of approximately $500;

That at the time of the accident she was approximately 78 years of age;

That following her discharge from the hospital and until her death, she never fully recovered complete use and freedom of this injured limb.

AGNES V. WALSH,
Administratrix of Estate of Margaret T. Denehy.

JANUARY 7, 1956.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk, ss:

Then personally appeared, Agnes V. Walsh, administratrix, known to me to be the person hereto subscribing, and made oath that the above statements, by her subscribed, are true and correct, according to the best of her knowledge, information, and belief.

Before me,

JOSEPH F. LYONS,
Notary Public.

My commission expires May 2, 1958.

CITY OF CAMBRIDGE, MASS., CAMBRIDGE CITY HOSPITAL

REPORT OF HOSPITAL RECORD

JOSEPH F. LYONS,
Attorney, Boston, Mass.

House record

Name and address: Margaret Denehy, 12 Guyette Road, Cambridge.

Date admitted: August 25, 1945; discharged, September 9, 1945.

Present illness: Automobile accident on August 24, 1945. Patient was a passenger. The auto was driven by Davic Walsh and was in collision with a Navy ambulance at Congress and Atlantic Avenue. Taken home by cab and called Dr. Riley of Massachusetts Avenue that night. Sent to Cambridge City Hospital next morning. Patient injured her left arm which was fractured in the upper part and a general shaking up. On admission to the hospital the left arm was swollen and disclored.

Physical examination: An elderly white female, complaining of severe pain in left arm. Left arm swollen and discolored with motions limited.

Progress notes: August 25, 1945, X-ray of left shoulder reports spiral fracture upper left humerus; September 8, 1945, cast applied; September 9, 1945, patient discharged, in care of own doctor for further treatment.

Discharge diagnosis: Spiral fracture, left humerus.

Taken from hospital records February 17, 1956, by J. Mahon.

(Signed) EDITH G. BAYERS, R. R. L.,
Medical Record Librarian.

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Calendar No. 1990

84TH CONGRESS, 2d Session } SENATE { REPORT No. 1973

ANNA MARIA FULLER

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1895]

The Committee on the Judiciary, to which was referred the bill (S. 1895) for the relief of Anna Maria Fuller, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who presently resides in that country. On October 23, 1954, the beneficiary was married in Germany to Sgt. Robert D. Fuller, a United States citizen member of our Armed Forces. Sergeant Fuller is presently stationed in the United States. The beneficiary was refused a visa to enter the United States inasmuch as the record discloses that she was convicted in 1950, for 3 counts of fraud, involving about $6 in money and a small amount of food. Without the waiver provided for in the bill, the beneficiary will be unable to join her citizen husband in the United States.

A letter, with attached memorandum, dated March 30, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 30, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1895) for the relief of Anna Maria Fuller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude or admit committing acts which constitute the essential elements of such a crime and would authorize the alien's admission to the United States for permanent residence, if she is found otherwise admissible under such act. It would further provide that this exemption shall apply only to a ground for exclusion of which the Department of State or Department of Justice had knowledge prior to enactment.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNA MARIA FULLER, BENEFICIARY OF S. 1895

Information concerning this case was obtained from Sfc. Robert D. Fuller, the beneficiary's husband.

Anna Maria Fuller, nee Schiller, a native and citizen of Germany, was born on May 18, 1928, in Deggendorf. She was married to Robert D. Fuller on October 23, 1954, in Salching, Germany. There are no children from this union. She is unemployed and resides with her parents at Schellenberg, Post Nietraching, c/Deggendorf, Germany. She is alleged to have attended high school but to what extent is unknown. Other than her husband, she has no near relatives in the United States. Two brothers also live in Germany.

The beneficiary at one time worked as a waitress at a United States military post in Germany. She is presently supported by an allotment from her husband's military pay. On January 27, 1955, she was refused an immigration visa at the American consulate in Munich, Germany, because of conviction on charges of fraud. Her husband was unable to give any particulars relating to the offense for which she was convicted except that she was arrested on March 27, 1950, at Bad Tolz, Germany, for fraud.

Sgt. Robert D. Fuller, a native citizen of the United States, was born on November 12, 1924, in Hartford, Conn. He enlisted in the United States Marine Corps on August 12,

1942, and was honorably discharged on October 30, 1945. On October 4, 1948, he enlisted in the United States Army, where he is still serving. At present he is stationed at Fort Meade, Md., with Company C, 3d Armored Cavalry Regiment. His army pay is $224.34 per month, plus an allotment. He has served abroad with the United States Armed Forces and has requested that he be stationed in Germany so that he can be with his wife.

Mr. Fuller's marriage to the beneficiary is his second marriage. He was married to Wilda Mae Skinner, on October 26, 1946, in Wheeling, W. Va., and from this marriage a son, James Michael Fuller, was born on January 2, 1950, at Fort Lewis, Wash. He alleges that his first marriage was terminated by a Mexican divorce, obtained by his wife on July 15, 1953. Sergeant Fuller stated that his son is being supported by his first wife and the child's last-known address was 2906 Lyon Street, San Francisco, Calif., where he resided with his mother. An attempt by this Service to locate the child and his mother at the above address or elsewhere was unsuccessful.

Sgt. Robert D. Fuller is the person primarily interested in the bill.

Senator Prescott Bush, the author of the bill, wrote to the then chairman of the Senate Judiciary Committee on May 5, 1955, in connection with the case, as follows:

UNITED STATES SENATE,
May 5, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: On yesterday, I introduced S. 1895, copy of which is attached for your ready reference, for the relief of Anna Maria Fuller.

For the information of yourself and your committee, I enclose correspondence from Sfc Robert D. Fuller, in behalf of his wife, and also a letter from the Director of the Visa Office of the Department of State, which indicates that on the basis of the information presently available, the Department would interpose no objection to the enactment by the Congress of private legislation in Mrs. Fuller's behalf. In the light of this explanation, I hope your committee may approve the measure.

I would appreciate being advised of the progress of the legislation.

Thanking you, I am,

Sincerely yours,

PRESCOTT BUSH,
United States Senator.

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The enclosures referred to in the above-quoted letter read as follows:

DEPARTMENT OF STATE,
Washington, May 3, 1955.

Hon. PRESCOTT BUSH,
United States Senate.

DEAR SENATOR BUSH: I refer to your communication of April 5, 1955, addressed to Mr. Maney with which you enclosed the attached copy of a letter from Sfc. Robert D. Fuller, RA19332950, Tank Co. 74th RCT, Fort Devens, Mass., in connection with the immigrant visa application of his wife, Mrs. Anna M. Fuller. In this connection reference is made to the interim telephonic acknowledgment of April 7.

An examination of Mrs. Fuller's court records which you referred to the Department shows that Mrs. Fuller was convicted of the crime of fraud in violation of section 263 of the German Criminal Code. As the offense of fraud has been held to involve moral turpitude, Mrs. Fuller would be ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. She would be ineligible for the relief provided in section 4 of Public Law 770 since the records indicate that Mrs. Fuller committed the offense of fraud on three separate and distinct occasions. As you undoubtedly are aware, relief under section 4 of Public Law 770 is restricted to the cases of aliens who have committed only one crime involving moral turpitude.

On the basis of the information presently available, the Department would interpose no objection to the enactment by the Congress of private legislation in Mrs. Fuller's behalf.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

FORT DEVENS, MASS., *March 8, 1955.*

Hon. PRESCOTT BUSH,
Senator from Connecticut,
Washington, D. C.

DEAR SIR: I am writing to you in my great dilemma in having my wife come to the United States. I have been in the United States Army service over 10 years having served during World War II in the Pacific and recently in Germany. My great concern is in having my wife, Anna Maria Fuller (nee Schiller) residing at Schellenberg, Post Mietraching, b/Deggendorf, Germany, come to the United States.

As you probably know I went through many months of screening and paperwork to get the necessary permission in Germany to be married to my wife. After the necessary clearances by all the investigating authorities, I finally was married to her, October 23, 1954, in Salzburg, Germany. I made the necessary petition establishing nonquota status for her and the consul in Munich, Germany, is where my wife's case is receiving attention. She had been born in Germany April 5, 1928. I was born in Hartford, Conn., December 11, 1924.

My wife has been told by the consul, as I have been informed also, that she cannot come to the United States under section 212a 9 of the Immigration and Naturalization Act of 1952, because of some petty

charges which I believe involved only one incident of a purchase made in another person's name, but all I can get is the information that under section 212A 9 she cannot be issued visa and cannot come to the United States. I shall endeavor to get the detailed record of offenses.

However, I am desperate and I feel that the Army had made the required investigations, had sanctioned our marriage, and that therefore my wife should be able to come to the United States. I believe that she is getting unjust treatment but I have been advised that the only remedy would be for a private bill in her behalf.

Therefore, I am beseeching you to please interest yourself in my behalf and please introduce in her behalf a private bill which I hope will be enacted with your valuable assistance as I believe that will be the only way my wife will ever be able to come to the United States.

If this cannot be accomplished, my thoughts are that my service and loyalty to my country have been in vain and the only ultimatum for me would be for me to go to Germany when I get out of the service in October and I would be compelled to give up my United States citizenship, which I am so reluctant to do, but you will see how vital is this situation.

Please introduce a private bill in her behalf and I shall be glad to appear personally before any committee in Washington to talk and plead in its behalf. Most anxiously I wait for your reply.

Very truly yours,

Sfc. ROBERT D. FULLER,
RA 19332950, Tank Co. 74th Ret.

(Home address: Windsor Avenue, Rockville, Conn.)

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1895) should be enacted.

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Calendar No. 1991

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1974

GERTRUDE HEINDEL

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2341]

The Committee on the Judiciary, to which was referred the bill (S. 2341) for the relief of Gertrude Heindel, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has had a previous attack of insanity in behalf of the wife of a former permanent resident of the United States. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 41-year-old native and citizen of Canada, who presently resides in that country with her husband and minor son, who are also natives and citizens of Canada. The family desires to enter the United States for permanent residence. However, the beneficiary was denied a visa to enter the United States for permanent residence inasmuch as she suffered a mental illness from 1947 to 1949. Since that time, she has made a good adjustment and doctors are of the opinion that she has completely recovered from her illness. The beneficiary's husband previously resided in the United States as a permanent resident. His brother is a United States citizen and states that he is in a position to assist in obtaining employment for him. Without the waiver provided for in the bill, the bene-

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ficiary would be unable to accompany her husband and son to this country for permanent residence.

A letter, with attached memorandum, dated December 1, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 1, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2341) for the relief of Gertrude Heindel, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have had one or more attacks of insanity, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill would require that a bond be deposited to insure that the alien shall not become a public charge. The bill also provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUDE HEINDEL, BENEFICIARY OF S. 2341

Gertrude Heindel, a native and citizen of Canada, was born on June 7, 1914. She is married to John Heindel, a native and citizen of Canada, and resides with him and their young son at 435 Pritchard Avenue, Winnipeg, Manitoba, Canada.

The beneficiary is not gainfully employed. She completed elementary school in Canada. She has no income or assets. Her father and two brothers reside in Canada. A stepbrother resides in the United States.

The beneficiary has never resided in the United States.

She has stated that she was refused an immigrant visa by the American consul at Winnipeg, Manitoba, Canada, on October 27, 1954, because she had previously been hospitalized for a mental disorder. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information regarding the beneficiary's illness and ineligibility for a visa.

The beneficiary's husband is employed as an accountant at a salary of $200 per month. He estimates his net worth to be $4,000. Mr. Heindel resided in the United States briefly as a permanent resident and has stated that it is his desire to reside in the United States if his wife is issued a visa.

Senator Hubert H. Humphrey, the author of the bill, submitted to the Senate Judiciary Committee the following letter addressed to him from the Director of the Visa Office, concerning the beneficiary:

DEPARTMENT OF STATE,
Washington, November 19, 1954.

Hon. HUBERT HUMPHREY,
United States Senate.

DEAR SENATOR HUMPHREY: I refer to my letter of October 27, 1954, concerning your interest in the desire of Mr. John Heindel, 435 Pritchard Avenue, Winnipeg, Canada, to have his wife, Mrs. Gertrude Heindel, immigrate into the United States with him and their son.

The Department is now in receipt of a communication dated November 2, 1954, from the American consulate general at Winnipeg in which the following information is furnished in connection with Mrs. Heindel's case.

The files of the consulate general reveal that an immigrant visa was refused Mrs. Heindel informally on March 17, 1952, under section 3 of the act of February 5, 1917, as a mentally defective person. This refusal was predicated on information contained in a letter dated February 4, 1952, from the medical superintendent of the Selkirk Hospital for Mental Diseases, at Selkirk, Manitoba. Mrs. Heindel was not examined at that time by the medical officer of the United States Public Health Service at Winnipeg. For the Department's nformation, the complete text of the letter under mention is quoted herewith:

"This is to certify that Mrs. Heindel was admitted to the Psychopathic Hospital, Winnipeg, on February 17, 1947, and transferred to this hospital on March 25, 1947. She was a patient at this hospital until September 24, 1949, at which time she was probated.

"Mrs. Heindel was suffering from a mental illness which we diagnosed as schizophrenia. She underwent a course of insulin-coma treatment, followed by a short course of electroshock treatment. Her response to this treatment was not satisfactory and so she underwent a leucotomy operation on August 16, 1949. There was an early and very satisfactory response to the operation so that at the time of her probation she was free from symptoms and had good insight into the nature of her illness.

"Mrs. Heindel has been visited regularly by our social-service worker since her probation from hospital. Reports of our social-service worker are to the effect that Mrs. Heindel has been making a normal adjustment and that there has been no evidence of any return of mental symptoms. The last visit made by our social-service worker was on November 20, 1951.

"It is our opinion that unless Mrs. Heindel is subject to some unusual and disturbing emotional circumstances, she should not suffer a recurrence of her illness."

Mr. Heindel appeared at the consulate general on October 26, 1954, to make a formal application for an immigrant visa to proceed

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to the United States without his wife. Examination of his wife's file revealed that she had not been previously examined by the medical officer attached to the consulate general and Mr. Heindel was accordingly requested to have his wife appear before the medical officer for a complete and up-to-date examination. The result of this examination was that a class A medical certificate, dated October 27, 1954, was issued, which indicated that Mrs. Heindel had been treated for schizophrenia.

Mr. Heindel was informed on October 27 that before the consulate general could proceed with his immigrant visa case he would be required to sign a statement that he realized that Mrs. Heindel had been found to be ineligible to receive an immigrant visa and that she was mandatorily inadmissible to the United States under section 212 (a) (3) of the Immigration and Nationality Act. Mr. Heindel will appear at this office on November 4, 1954, to sign this statement and a nonquota immigrant visa will probably be issued to him on that date.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

In addition, Senator Humphrey submitted the following letter from the beneficiary's husband:

WINNIPEG, MANITOBA, CANADA, *April 10, 1956.*

SENATOR H. HUMPHREY,
United States Senate, Washington, D. C.

DEAR SENATOR HUMPHREY: I have your letter of March 22 regarding the recent turn of events in my wife's immigration case, and in which you mention several obstacles that are holding up the approval of the bill for my wife's entry.

Shortly before the adjournment of Congress last fall, my wife and myself were questioned and interrogated here in Winnipeg for several hours on two occasions by one of the immigration officers, and a full report made by him as regards all the facts pertaining to our case. We were asked to obtain a medical certificate re my wife's condition at that time and this was obtained from our chief Provincial medical officer, Dr. T. Pincock, who knows the circumstances and facts of my wife's illness which terminated in September 1949. Dr. Pincock expressed his impartial medical opinion and views in this medical report which was sent along to the immigration department here in Winnipeg. You may also recall that I sent along to you a further medical report from Dr. Johnson, the superintendent of the hospital where my wife was treated for her ailment up to September 1949. I had hoped that these 2 impartial medical reports from these 2 prominent medical men of this Province of Manitoba would have sufficed to show beyond a reasonable doubt that my wife had made a full recovery, and that a return of the symptoms that brought on the illness is now very unlikely or remote. Since the illness terminated in September 1949—a period of 6½ years ago, and since the 2 medical reports from our Provincial doctors seem to indicate that my wife is now and since her discharge from the hospital in September 1949 free of any mental symptoms, could you not prevail on the members of the committee to grant her the benefit of the doubt? However, if it is felt that a further medical opinion of my wife's present mental and physical condition is neces-

sary, I would appreciate it if the consulate general here in Winnipeg were notified to this effect, and we could then proceed to see the medical officer attached to the Winnipeg consulate office, who could then submit his medical report and opinion of my wife's physical and mental condition.

Pertaining to the queries put to you about myself and my employment possibilities, you can understand that with the difficulties I have faced in obtaining a visa for my wife, it would be unwise on my part to prearrange employment if I could not be certain of emigrating together with my family. At this time I would like to point out again that my occupation is general accountant, and I am employed here in Winnipeg with the same firm for 7 years. I do not believe that I should experience too much difficulty in obtaining this type of work in Minneapolis where I wish to make my home. It might be pointed out to the committee that I want to emigrate because I wish to make my home in Minneapolis where I have a brother already residing who is an American citizen, and who is in a position to arrange employment for me if this is necessary. I have a youngster too who I know will have a much better opportunity in your country later on—this being my second reason for wanting to live in the United States. I am also a member of the Fraternal Order of Eagles, Minneapolis Aerie No. 34, for the past 7 years, and it had always been my intention to return to the United States when I returned to Canada in 1949 because of my wife's illness. I can obtain excellent character references from several of the members of the Fraternal Order of Eagles, Minneapolis Aerie No. 34, if needed.

Also as to our financial status, I wish to bring to the attention of the committee that we have savings in the amount of $5,000 in cash, and my wife has been endowed with property in value of about $12,000.

I hope you can prevail on the Senate Judiciary Committee to reconsider all these facts and approve the bill you introduced for my wife's entry. You can rest assured I will be grateful for your efforts in our behalf. However, if the bill is not approved after a further review of the above facts, I believe I will have to follow your suggestion and return to the United States alone and a further effort be made to approve the bill later. I would, however, prefer to have my wife and child accompany me if approval could be obtained.

Thanking you again, and looking forward to your reply, I remain,

Yours sincerely,

J. HEINDEL.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2341) should be enacted.

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Calendar No. 1992

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1975

MAJ. LUTHER C. COX

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2352]

The Committee on the Judiciary, to which was referred the bill (S. 2352) for the relief of Maj. Luther C. Cox, having considered the same, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

On page 1, line 6, strike out the word "Army" and insert in lieu thereof the words "Air Force".

On page 1, line 6, strike out the figures "$15,000" and insert in lieu thereof the figures "$8,215.25".

PURPOSE

The purpose of the proposed legislation, as amended, is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Luther C. Cox, major, United States Army, of Ferndale, Md., the sum of $8,215.25. Such sum shall be in full satisfaction of the claim of the said Luther C. Cox against the United States for compensation for the death of his wife, Helen Cox, who was fatally injured as the result of an accident, occurring on February 5, 1955, near Saalfelden, Austria, in which a United States Army ambulance struck an automobile in which the said Helen Cox was riding, and for burial and other expenses incurred by the said Luther C. Cox incident to such death.

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STATEMENT

The records of the Department of the Army indicate that Major Cox and his wife, Mrs. Helen L. Cox, deceased, were married in Baltimore, Md., on June 21, 1947. Their son, Mark Stevan, was born in Germany, on February 3, 1953, and their daughter, Denise Patrice, was born in Salzburg, Austria, on June 11, 1954. Mrs. Cox was 29 years old at the time of her death.

The records of this Department show that on February 5, 1955, an Army ambulance, operated by an enlisted man on official business, was proceeding in a northerly direction on Austrian Route 168, at a speed of approximately 25 miles per hour, en route from Camp Saalfelden to the United States Army Hospital in Salzburg, Austria. The weather was good at the beginning of the trip; however, at about 9:30 a. m. a wet snow began to fall and immediately froze on the road, causing it to become very slippery. Shortly thereafter, at a point approximately 7 miles north of Camp Saalfelden, as the Army driver attempted to negotiate a left curve in the road, his vehicle skidded about 100 feet, veered across the road, and collided with a Chrysler automobile coming from the opposite direction. This civilian vehicle, owned and operated by Maj. Edward F. Wilson, had been traveling in a southerly direction along the road at a speed of approximately 25 miles per hour when the accident occurred. Major Wilson had as passengers his son, 9 years of age, who was riding in the front seat, Capt. John Courlas, and Major and Mrs. Cox, all of whom were in the rear seat. As a result of this accident, the occupants of the civilian vehicle sustained personal injuries in varying degrees, Major Wilson's vehicle was damaged extensively, and ski equipment belonging to Captain Courlas was damaged. Mrs. Cox sustained a compression fracture of the fifth vertebra with transection of the spinal cord and, as a result thereof, died on February 8, 1955, at the United States Army Hospital, Salzburg, Austria.

Major Wilson filed a claim with this Department in the amount of $1,451.19, which he subsequently reduced to the amount of $1,000, for the damage to his vehicle, and Captain Courlas filed a claim in the amount of $38.38 for the damage to his ski equipment. Both of these claims were considered by this Department under regulations issued by the Secretary of the Army pursuant to the authority contained in the act of July 3, 1943 (57 Stat. 372), as amended (31 U. S. C. 223b).

When these claims were investigated by this Department a determination was made that the aforementioned accident was proximately caused by the negligent act of the driver of the Army ambulance in failing to exercise that degree of extreme caution and care, required by the circumstances, which would have enabled him to maintain control over his vehicle and remain in the proper lane of traffic. The driver of the ambulance was found to have been acting within the scope of his employment. It was further determined that Maj. Edward Wilson operated his vehicle in a reasonable manner under the circumstances and did not contribute to the cause of the accident. Consequently, the claims of Major Wilson and Captain Courlas were approved in the amounts of $1,000 and $38.38, respectively.

The Department of the Army, in its report, states as follows:

> The available evidence fairly establishes that the accident and the resulting death of Mrs. Cox were caused solely by

the negligent operation of an Army vehicle by a member of this Department acting within the scope of his employment. The Department of the Army, accordingly, is of the opinion that compensation should be granted to Major Cox in a reasonable amount for the death of Mrs. Cox, and in payment of expenses arising therefrom.

Counsel for Major Cox have advised that, in addition to other expenses which have arisen as a result of the death of his wife, the following medical, hospital and burial expenses were incurred by him:

Lassahn Funeral Home	$394.00
Flowers	35.00
Minister	20.00
Casket and embalming materials	230.00
U. S. Army Hospital, Salzburg, Austria	5.25
Nursing care for children, 1 night, in Austria	6.00
Return expense of children to United States	25.00
Total	715.25

Receipts are not available to substantiate the aforementioned expenses for flowers, the minister, nursing care for children or the costs of returning the children to this country.

Major Cox has no remedy under the Federal Tort Claims Act (60 Stat. 843), as revised, codified and amended (28 U. S. C. 1346 (b)), for the reason that this accident occurred in a foreign country. Under the provisions of the act of July 3, 1943, as amended, supra, he may be reimbursed only for reasonable medical, hospital, and burial expenses actually incurred. There is no method by which Major Cox may be compensated for the death of his wife, except by the enactment of private relief legislation, and it is the opinion of this Department that it would be wasteful to require him to first pursue his administrative remedy to recover the medical, hospital and burial expenses actually incurred and then to seek compensation for the death of his wife by private relief legislation. For this reason the enactment by Congress of a private relief bill reimbursing Major Cox for the expenses incurred as a result of this incident and granting compensation for the loss of his wife would be proper. Considering the facts and circumstances in this case, the award of $15,000 proposed in this bill represents a fair and equitable settlement of all claims of Luther C. Cox, arising out of the unfortunate accident of February 5, 1955, and the resulting death of Mrs. Cox.

The committee is in accord with the findings of the Department of the Army in this matter, with the exception of the award to be made for the loss to the claimant of his wife. The committee realizes that no amount of money can pay for such a loss. However, in the past in cases of a like nature, the committee has recommended payment in an amount of $7,500 and in order to be consistent therein the committee again recommends that figure, together with the actual expenses incurred. In view of all of the foregoing, the committee recommends that the bill, S. 2352, as amended, be considered favorably.

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DEPARTMENT OF THE ARMY,
Washington, D. C., February 21, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to your letter enclosing a copy of S. 2352, 84th Congress, a bill for the relief of Maj. Luther C. Cox, and requesting a report on the merits of the bill.

This bill provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Luther C. Cox, major, United States Army, of Ferndale, Maryland, the sum of $15,000. Such sum shall be in full satisfaction of the claim of the said Luther C. Cox against the United States for compensation for the death of his wife, Helen Cox, who was fatally injured as the result of an accident, occurring on February 5, 1955, near Saalfelden, Austria, in which a United States Army ambulance struck an automobile in which the said Helen Cox was riding, and for burial and other expenses incurred by the said Luther C. Cox incident to such death."

The Department of the Army interposes no objection to the above-mentioned bill.

Records of the Department of the Army show that Luther Christian Cox (referred to in S. 2352 as Luther C. Cox), was born on March 15, 1918, in Baltimore, Md. After enlisting in the Army on May 31, 1941, he received pilot and navigation training and was honorably discharged on April 10, 1942, to accept a commission. On the following day he was appointed a second lieutenant, Air Corps, Army of the United States, and thereafter remained on active duty in commissioned status. On January 19, 1943, while participating in an air mission over north Africa, he was shot down and captured, remaining a prisoner-of-war until April 29, 1945. He was transferred to the Department of the Air Force on September 26, 1947, and is at present on active duty in the grade of major, United States Air Force. His service number is 11193A.

Major Cox and his wife, Mrs. Helen L. Cox, deceased, were married in Baltimore, Md., on June 21, 1947. Their son, Mark Stevan, was born in Germany on February 3, 1953, and their daughter, Denise Patrice, was born in Salzburg, Austria, on June 11, 1954. Mrs. Cox was 29 years old at the time of her death.

The records of this Department show that on February 5, 1955, an Army ambulance, operated by an enlisted man on official business, was proceeding in a northerly direction on Austrian Route 168, at a speed of approximately 25 miles per hour, en route from Camp Saalfelden to the United States Army Hospital in Salzburg, Austria. The weather was good at the beginning of the trip; however, at about 9:30 a. m. a wet snow began to fall and immediately froze on the road, causing it to become very slippery. Shortly thereafter, at a point approximately 7 miles north of Camp Saalfelden, as the Army driver attempted to negotiate a left curve in the road, his vehicle skidded about 100 feet, veered across the road, and collided with a Chrysler automobile coming from the opposite direction. This civilian vehicle, owned and operated by Maj. Edward F. Wilson, had been traveling

in a southerly direction along the road at a speed of approximately 25 miles per hour when the accident occurred. Major Wilson had as passengers his son, 9 years of age, who was riding in the front seat, Capt. John Courlas and Major and Mrs. Cox, all of whom were in the rear seat. As a result of this accident, the occupants of the civilian vehicle sustained personal injuries in varying degrees, Major Wilson's vehicle was damaged extensively, and ski equipment belonging to Captain Courlas was damaged. Mrs. Cox sustained a compression fracture of the fifth vertebra with transection of the spinal cord and, as a result thereof, died on February 8, 1955, at the United States Army Hospital, Salzburg, Austria.

Major Wilson filed a claim with this Department in the amount of $1,451.19, which he subsequently reduced to the amount of $1,000, for the damage to his vehicle, and Captain Courlas filed a claim in the amount of $38.38 for the damage to his ski equipment. Both of these claims were considered by this Department under regulations issued by the Secretary of the Army pursuant to the authority contained in the act of July 3, 1943 (57 Stat. 372) as amended (31 U. S. C. 223b), which provides, in pertinent part, as follows:

"That the Secretary of the Army, and, * * * such other officer or officers as he may designate for such purposes * * * are authorized to consider, ascertain, adjust, determine, settle, and pay in any amount not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against the United States * * * for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Department of the Army or of the Army while acting within the scope of their employment, * * *. No claim shall be settled under this section unless presented in writing within 1 year after the accident or incident out of which such claim arises shall have occurred * * *. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States * * *."

When these claims were investigated by this Department a determination was made that the aforementioned accident was proximately caused by the negligent act of the driver of the Army ambulance in failing to exercise that degree of extreme caution and care, required by the circumstances, which would have enabled him to maintain control over his vehicle and remain in the proper lane of traffic. The driver of the ambulance was found to have been acting within the scope of his employment. It was further determined that Maj. Edward Wilson operated his vehicle in a reasonable manner under the circumstances and did not contribute to the cause of the accident. Consequently, the claims of Major Wilson and Captain Courlas were approved in the amounts of $1,000 and $38.38, respectively.

The available evidence fairly establishes that the accident and the resulting death of Mrs. Cox were caused solely by the negligent operation of an Army vehicle by a member of this Department acting within the scope of his employment. The Department of the Army, accordingly, is of the opinion that compensation should be granted

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to Major Cox in a reasonable amount for the death of Mrs. Cox, and in payment of expenses arising therefrom.

Counsel for Major Cox have advised that, in addition to other expenses which have arisen as a result of the death of his wife, the following medical, hospital, and burial expenses were incurred by him:

Lassahn Funeral Home	$394.00
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U. S. Army hospital, Salzburg, Austria	5.25
Nursing care for children, 1 night, in Austria	6.00
Return expense of children to United States	25.00
Total	715.25

Receipts are not available to substantiate the aforementioned expenses for flowers, the minister, nursing care for children or the costs of returning the children to this country.

Major Cox has no remedy under the Federal Tort Claims Act (60 Stat. 843), as revised, codified, and amended (28 U. S. C. 1346 (b)), for the reason that this accident occurred in a foreign country. Under the provisions of the act of July 3, 1943, as amended, supra, he may be reimbursed only for reasonable medical, hospital, and burial expenses actually incurred. There is no method by which Major Cox may be compensated for the death of his wife, except by the enactment of private relief legislation, and it is the opinion of this Department that it would be wasteful to require him to first pursue his administrative remedy to recover the medical, hospital, and burial expenses actually incurred and then to seek compensation for the death of his wife by private relief legislation. For this reason the enactment by Congress of a private relief bill reimbursing Major Cox for the expenses incurred as a result of this incident and granting compensation for the loss of his wife would be proper. Considering the facts and circumstances in this case, the award of $15,000 proposed in this bill represents a fair and equitable settlement of all claims of Luther C. Cox, arising out of the unfortunate accident of February 5, 1955, and the resulting death of Mrs. Cox.

For the foregoing reasons, the Department of the Army would have no objection to the enactment of S. 2352.

If this bill is favorably considered, it is recommended that, in the interest of accuracy, the word "Army" at the beginning of line 6, page 1, of the bill be changed to "Air Force."

The cost of this bill, if enacted, will be $15,000.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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Calendar No. 1993

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1976

WILLIAM G. JACKSON

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2690]

The Committee on the Judiciary, to which was referred the bill (S. 2690) for the relief of William G. Jackson, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, line 6, strike the figure "$65,000" and insert in lieu thereof "$15,000".
2. On page 2, line 3, strike the figure "10" and insert in lieu thereof "5".

PURPOSE OF AMENDMENTS

The purpose of the first amendment is to reduce the award provided in the bill so that it will be commensurate with awards in other similar legislation.

The purpose of the second amendment is explained in the statement below.

PURPOSE

The purpose of the proposed legislation, as amended, is to pay the sum of $15,000 to William G. Jackson, of Chattanooga, Tenn., in full satisfaction of his claims against the United States for compensation for permanent and disabling injuries sustained by him when a building at the Maxwell Air Force Base collapsed on him.

STATEMENT

William G. Jackson, now 31 years of age, was convicted on December 7, 1954, in the United States District Court for the Eastern

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District of Tennessee on a charge of transporting whisky on which the tax had not been paid. He was sentenced to serve a term of 6 months and 1 day and to pay a fine of $200. He was confined at the prison camp at Maxwell Air Force Base, Ala.

Late in the year 1954, prisoners from the Federal prison camp were assigned to assist in the work on a storage shed on the Maxwell Air Force Base which had been commenced by regular employees of the Air Force. On January 18, 1955, the claimant who had been employed as a carpenter prior to his incarceration, was working on a scaffold when the partially erected building collapsed. The board of officers convened to investigate the accident determined that the primary cause of the collapse was the failure to provide for diagonal bracing on the framework. When the building collapsed, it pinned Mr. Jackson underneath. As soon as he could be removed from the collapsed building, he was taken to the base hospital where X-rays showed that his right pelvic area was badly crushed with partial dislocation of the right hip. There was also a fracture of the spine. Claimant was treated at the base hospital for 119 days and finally left the hospital on crutches, unable to bear weight on his right side.

The report of the Department of the Air Force, which is appended to this report, states that the prognosis was that the outlook for Mr. Jackson was generally poor due to the type of fracture sustained. The report further advises that the medical report states that it will be necessary for Mr. Jackson to undergo orthopedic observation for a long time and that he may require some type of reconstructive surgery in the future.

Recent medical examination indicates that the claimant is 100 percent disabled as far as manual labor is concerned. The claimant's civilian occupation is that of a carpenter and his average salary was $2 per hour. He is married and has no children.

At the time of the accident, Mr. Jackson was not engaged in such an industrial operation as to bring him within the coverage of the workmen's compensation laws, nor is he able to recover from the United States under the Federal Tort Claims Act for his injuries, since it has been held that Federal prisoners cannot maintain such an action (see *Van Zuck* v. *United States*, 118 F. Supp. 468; *Sigmon* v. *United States*, 110 F. Supp. 906). Thus it appears that the only method by which the claimant may be compensated for the injuries which he sustained is through private relief legislation.

The Department of the Air Force, in the report alluded to earlier, recommends that Congress compensate the claimant in an amount considered by the Congress to be just and appropriate.

It is apparent from the evidence before the committee that this claimant's injuries resulted from the negligence of an employee of the United States who failed to make proper provision for the support of the building's framework during its construction. In view of this fact and since the claimant is unable to recover in any other manner, the committee recommends favorable consideration of this legislation.

The attorneys for the claimant have submitted an affidavit which is on file with the committee setting forth the effort and expenses expended in furtherance of this claim. The committee after reviewing the matter is of the opinion that sufficient effort has been put forth to establish entitlement to a fee not exceeding 5 per centum of the award.

Attached to this report are reports of the Department of the Air Force, a letter addressed to the Director of the Bureau of the Budget from the Deputy Attorney General under date of November 9, 1955, a letter dated March 26, 1956, signed by Maurice A. Canon, M. D., and addressed to claimant's attorney.

Further information concerning the claimant's medical history and the proceedings of the board of inquiry convened to investigate this accident have been furnished by the sponsor, but since this information would be largely cumulative, it need not be reprinted here.

DEPARTMENT OF THE AIR FORCE,
Washington, November 30, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for a report from the Department of the Air Force on S. 2690, 84th Congress, a bill for the relief of William G. Jackson.

The purpose of the bill is to direct the payment of $65,000 to Mr. William G. Jackson, of Chattanooga, Tenn., in full satisfaction of all claims of the said William G. Jackson against the United States for compensation for permanent and disabling injuries sustained by him when a building at Maxwell Air Force Base collapsed on him.

At the time of the accident, Mr. Jackson was serving a 6 months' sentence at the Federal prison camp, Maxwell Air Force Base. At the Air Force base a building was being constructed as a storage shed for lumber. Late in the year 1954, prisoners from the Federal prison camp were obtained to complete the work on the storage shed which had been commenced by regular employees of the Air Force. During the course of the construction temporary exterior braces had been installed to support the corner studs of the building and these braces apparently remained until the framework had been completed up to the rafters. Subsequently, the braces were removed but work was continued on the roof rafters. On January 18, 1955, the carpenters noticed that the building would shake following gusts of wind. Following one gust, the entire building collapsed pinning Mr. Jackson beneath it. A board of officers convened to investigate the accident, determined that the primary cause of the collapse was the failure to provide for diagonal bracing on the framework.

As soon as he could be removed from under the collapsed building, Mr. Jackson was taken to the base hospital where X-rays showed that his right pelvic area was badly crushed with partial dislocation of the right hip. There was also a fracture of the spine. Mr. Jackson was treated at the base hospital for 119 days. He was fitted with a back brace and finally left the hospital on crutches unable to bear weight on his right side. The prognosis was that the outlook for Mr. Jackson was generally poor due to the type of fracture sustained. The medical report states that it will be necessary for Mr. Jackson to be under orthopedic observation for a long time and that he may require some type of reconstructive surgery in the future. Mr. Jackson was transferred from the base hospital at Maxwell Air Force Base to Veterans' Administration hospital in Montgomery, Ala., where he

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remained for a week. This hospital recommended that Mr. Jackson should be followed on an outpatient basis on orthopedic service to determine the outcome of his right hip injuries. In the meantime, he should stay on crutches, no weight bearing.

Mr. Jackson and the other prisoners were working on the project at Maxwell Air Force Base apparently pursuant to 18 United States Code 4125, whereby the Attorney General is authorized to make available to the heads of departments prisoners serving sentences in Federal prison camps for labor on public works projects. Although Federal prisoners in United States penal and correctional institutions who are injured while working on industrial operations are entitled to certain benefits by way of compensation, Mr. Jackson was not engaged in such an industrial operation as to bring him within the provisions of such compensation coverage. Accordingly, there is no provision in law whereby Mr. Jackson can receive benefits in the nature of workmen's compensation payments for the injuries sustained.

It is apparent that Mr. Jackson's injuries resulted from the negligence of some employee of the United States supervising the work who failed to make proper provision for support of the building's framework during its construction. If he were not a prisoner, Mr. Jackson would be able to sue in tort, in such circumstances, where not protected by workmen's compensation benefits. However, it has been held that Federal prisoners cannot maintain an action against the United States under the Federal Tort Claims Act for injuries resulting from the negligence of an officer or employee of the United States acting within the scope of his office or employment (see in this connection, *Van Zuck* v. *United States*, 118 F. Supp. 468; *Sigmon* v. *United States*, 110 F. Supp. 906).

In view of the foregoing, Mr. Jackson has no remedy, other than by private relief legislation, by which he can obtain monetary compensation from the United States for the injuries which he sustained. Considering the manner in which the injuries were sustained without fault on the part of Mr. Jackson, we would recommend that Congress compensate him by way of enacting private relief legislation.

Mr. Jackson incurred no expense for his initial hospitalization and treatment. However, it would seem likely that extensive followup treatment must be provided with the possibility that operative treatment will be necessary in the future. In view of the scarcity of information, it is our suggestion that Mr. Jackson be completely examined at a Veterans' Administration or a Public Health Service facility for an evaluation of his disability prior to action by Congress on the proposed bill. The Department of the Air Force would not object to the enactment of S. 2690 in an amount considered by the Congress to be just and appropriate.

The Bureau of the Budget has advised that it has no objection to the submission of this report. Attached hereto for your information is of copy of a letter dated November 9, 1955, transmitting the views of the Department of Justice on this matter, to the Bureau of the Budget.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

NOVEMBER 9, 1955.

Hon. ROWLAND R. HUGHES,
Director, Bureau of the Budget,
Washington, D. C.

DEAR MR. HUGHES: This is in response to your request for the views of the Department of Justice with respect to the proposed report of the Secretary of the Air Force concerning the bill (S. 2690) for the relief of William G. Jackson.

The bill would provide for the payment of the sum of $65,000 to William G. Jackson, of Chattanooga, Tenn., as compensation for injuries sustained by him at Maxwell Air Force Base, Montgomery, Ala., when a building on which he had been assigned to work while a Federal prisoner, collapsed on January 18, 1955.

Claimant, who is 30 years of age, was convicted on December 7, 1954, in the United States District Court for the Eastern District of Tennessee on a charge of transporting whisky on which the tax had not been paid. He was sentenced to serve a term of imprisonment of 6 months and 1 day and to pay a fine of $200. He was confined at the Federal prison camp at Maxwell Air Force Base, Ala. In the custody of a prison camp foreman he and a number of other prisoners were assigned to work in connection with the construction of a lumber shed at the Air Force base under the direction of an Air Force foreman. Jackson was on a scaffold when the partially erected building collapsed. The findings of the board of officers appointed to investigate the injury are not clear as to the responsibility for the accident. The board found, however, that the primary cause of the collapse was the lack of diagonal bracing on the framework of the building. Testimony before the board disclosed that the prison camp foreman in charge of the inmates started to put on the diagonal sheathing required by the plans, but was told by the Air Force foreman to omit the diagonal sheathing because a substitute would be used.

Claimant's injuries consisted of (1) fracture of right pelvis; (2) fracture of 11th and 12th vertebrae and 1st lumbar; (3) central dislocation of right femur with fracture of acetabulum; (4) lacerations about scalp; and (5) ileus secondary to fracture of vertebrae. He was hospitalized in the Air Force base hospital until his discharge at the expiration of his term, less good time, on April 23, 1955. The Department is without information as to his treatment or degree of recovery since his discharge from custody other than as stated in the proposed report of the Air Force.

Under uniform rulings of the courts, claimant is denied the right to sue under the Federal Tort Claims Act because of his status as a Federal prisoner (*Sigmon* v. *United States*, 110 F. Supp. 906; *Shew* v. *United States*, 116 F. Supp. 1; and *Van Zuck* v. *United States*, 118 F. Supp. 468), nor could he receive compensation for his injuries from the Prison Industries fund because he was not employed in Prison Industries at the time of such injuries.

Although the Department of Justice regards the proposed relief in the sum of $65,000 to be excessive in amount, it has no objection to the submission of the report of the Department of the Air Force. The maximum amount payable for total permanent disability under the Alabama workmen's compensation law is $9,200. It is entirely possible, however, that Mr. Jackson's injuries would yield considerably

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higher damage award if his action were maintainable against the United States in court.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

BONE AND JOINT CLINIC,
Chattanooga, Tenn., March 26, 1956.

Re William G. Jackson.

Mr. RALPH H. KELLEY,
Attorney at Law, Chattanooga, Tenn.

DEAR SIR: The above-named patient was seen and examined in our clinic on March 20, 1956, at which time he was complaining of pain in the back and right hip.

According to his history, he was injured on January 18, 1955, while working as a Federal prisoner, near Maxwell Air Force Base, Ala. A frame building collapsed and fell on the patient. He was not rendered unconscious, but noticed immediate pain in the region of the right hip and in the back. Following the injury, he was taken to the United States Air Force Hospital, at the Maxwell Air Force Base, where he was hospitalized until May 17, 1955. He was maintained on a program of absolute bed rest and traction on the right lower extremity. He was reported to have sustained fractures of the 10th and 11th dorsal and 1st lumbar vertebrae, as well as in the right hip.

At the time of our examination, he was wearing a Taylor-type back brace, and was walking with the aid of crutches. He was complaining of constant pain in the region of the right hip with some radiation on the inner aspect of the thigh to the knee. This pain was accentuated by any attempts at weight bearing or excessive movements of the hip joint. He was also complaining of a dull aching-type pain in the lower dorsal region of the back. This pain was accentuated by prolonged standing and walking and sitting. He was unable to be without the brace. There was no radiation of the back pain.

Past history

The patient denied having had any previous similar injury or difficulty with the back and hip. His only illnesses were the usual childhood diseases.

Physical examination

The patient was a well-nourished normally developed, 31-year-old, white male, who walked with the aid of crutches and appeared to be having considerable pain.

Back.—The patient stood with good posture. There was no deformity noted on physical examination, in the back. There was localized tenderness to pressure and percussion over the lower dorsal and upper lumbar region of the back. There was noted to be moderate spasm in the lumbar paravertebral muscles, and there was restriction of all motion in the lumbar spine.

Right hip.—Examination of the right hip revealed marked limitation of all rotation in the hip joint. There was only 5° to 10° of rotation

possible. There was a flexion contracture of the right hip of approximately 30° to 35°. Flexion of the right hip was limited to 80°. There was marked restriction of abduction of the right hip. Measurements revealed 1-inch atrophy of the right thigh, and right calf, and there was one-half inch shortening of the right leg.

Neurological examination.—The superficial and tendon reflexes were physiological, and there were no demonstrable sensory changes.

Routine X-rays

1. *Right hip.*—Revealed a healed fracture through the right acetabulum and of the inferior pubic rami. This fracture had healed with considerable deformity, there being a protrusion of the distal fragment into the pelvis, with a consequent deepening of the acetabulum. There was noted to be considerable narrowing of the hip joint and there was rather marked hypertrophic, arthritic changes around the neck of the femur, right at the junction of the base of the head and neck.

2. *Lumbo-dorsal spine.*—Revealed a healed fracture of the 10th and 11th dorsal vertebrae, and the 1st lumbar vertebra. There was moderate deformity of the 10th dorsal vertebra and slight residual deformity involving the 11th dorsal and 1st lumbar vertebrae. There was also noted to be early hypertrophic, arthritic changes at the 10th and 11th dorsal vertebrae.

Discussion

This patient apparently sustained severe injuries to the back and right hip joint. At the present time, the fractures involving the 10th and 11th dorsal and 1st lumbar vertebrae, are well healed. There is some residual deformity at present. The fracture involving the right acetabulum has healed with deformity, which has caused an irregularity of the acetabulum. At this time, there are rather marked hypertrophic, arthritic changes present, with a narrowing and deepening of the hip joint.

At the present time, this patient is 100 percent disabled as far as any manual labor is concerned. In our opinion, he will require surgical procedure on the right hip before additional improvement occurs.

Thank you very much for your cooperation in this matter.

Very sincerely yours,

Drs. Donaldson & Canon,
Maurice A. Canon, M. D.

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Calendar No. 1994

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1977

FAI HOO

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2722]

The Committee on the Judiciary, to which was referred the bill (S. 2722) for the relief of Fai Hoo, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the Immigration and Nationality Act, Fai Hoo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Fai Hoo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been amended to insure any necessary

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treatment and to provide for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 38-year-old native and citizen of China who last entered the United States on August 8, 1945, as a crewman. In 1946, he became afflicted with tuberculosis, and in 1952, he underwent extensive surgery at which time his entire right lung was removed. The lesion on the left lung is now healed. However, chest specialists state that travel or any other undue stress would constitute a threat to his life, as he could not survive a relapse. The beneficiary is supported by modest earnings as a power sewing-machine operator and by contributions by his brother, whose suspension of deportation case has been approved by the Immigration Service.

A letter, with attached memorandum, dated October 25, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 25, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2722) for the relief of Fai Hoo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for the Chinese.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FAI HOO, BENEFICIARY OF S. 2722

The beneficiary, Fai Hoo, also known as Yuk Fai Hoo, Francis Fai Hoo, and Shek Fai Hoo, is a native and citizen of China, who was born on July 7, 1917, in Tai Pon, Bo-On District, Kwangtung Province, China. He is single and resides at 121 Henry Street, New York City. The beneficiary attended elementary school for 8 years in his native country. Mr. Hoo is employed as a sewing-machine operator by the Irving Lakowitz Dress Co., 59 East Broadway, New York City, and earns an average of $50 per week. He has $300 in savings, personal effects valued at $500, and an equity in real-estate holdings in Hong Kong estimated at

$2,000. His mother and two sisters are residents of China. A brother, living in New York City, is the subject of deportation proceedings, but suspension of deportation was approved by this Service on November 17, 1954, and referred to Congress.

The beneficiary last entered the United States at New York City on August 8, 1945, at which time he was admitted as a crewman. Deportation proceedings were instituted on June 20, 1951, on the ground that at the time of his entry he was an immigrant not in possession of a valid unexpired immigrant visa. On July 18, 1951, a special inquiry officer denied the beneficiary's application for suspension of deportation and recommended that he be deported. A warrant for his deportation was issued on October 12, 1951, and is now outstanding.

The beneficiary was treated for pulmonary tuberculosis at the Kingston Avenue Hospital, the Kings County Hospital, and the Brooklyn Thoracic Hospital, all located in Brooklyn, N. Y. In 1952 his right lung was removed. The latest diagnosis was chronic pulmonary tuberculosis, far advanced, inactive. He reports for checkups at the Sea View Hospital, Staten Island, N. Y., three times a year.

Senator Herbert H. Lehman, the author of the bill, submitted the following information in support of the bill:

NEW YORK TUBERCULOSIS & HEALTH ASSOCIATION, INC.,
New York 16, N. Y., May 19, 1954.

Re Fai Hoo, Immigrant Department Case No. 0300–387–750.
Attention of district supervisor.

ARMAND SALTURELLI,
Acting Chief, Deportation and Parole,
Immigration and Naturalization Service,
Department of Justice,
Ellis Island, New York Harbor, N. Y.

DEAR MR. SALTURELLI: We are urgently requesting a stay of deportation on the above case, with the further request that the Public Health Service be asked, through Dr. Leo Tucker, to convene a board to evaluate the medical condition of the patient.

We are extremely concerned about the grave consequences to Mr. Hoo if he is deported to China for the following reasons:

1. He is a far advanced case of tuberculosis with a history of two relapses and extensive surgery which included the removal of the entire right lung. His supervising physician, a chest specialist, is certifying in a letter to you that a relapse is possible if the patient is placed under unfavorable conditions. This means that there is disease, although arrested, in the one remaining lung, which can become active and progressive if the patient is forced to live and work under adverse conditions.

2. Mr. Hoo is an unskilled worker who was attempting to equip himself with a skill under a rehabilitation program arranged by this organization. He was attending the Institute for the Crippled and Disabled to learn power-sewing-machine operation. Because the supervising chest specialist had given approval only for a total of 4 hours' daily activity, we limited his attendance at the workshop to 2

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hours daily in order that Mr. Hoo's other necessary activities for travel, personal care, cooking, and marketing would not exceed the medical recommendations. This schedule of limited and gradually increased physical activity is the core of the rehabilitation process for any TB patient because premature or strenuous physical activity is extremely dangerous for a TB patient in a convalescing stage, even though the disease is clinically inactive.

3. Last month Sea View Hospital referred the patient to the rectal clinic of Gouverneur Hospital for consideration of rectal surgery. We do not know if that clinic has been able to reach a decision regarding this second medical problem.

4. Many people in the TB field feel that emotional stress contributes directly to relapse. When the deportation question first arose a few years ago, Mr. Hoo's disease became active within 1 month's time, requiring rehospitalization during which the extensive surgery mentioned above was performed. As soon as Mr. Hoo was informed of the current proceedings, he developed a respiratory infection which has required medical attention and drug therapy under a private physician.

In view of the above factors, it is extremely questionable that the conditions Mr. Hoo would be forced to live under in China would enable him to rehabilitate himself physically and economically. It is known that the incidence of TB in China is high; in view of adverse housing, employment opportunities, and extremely stringent medical facilities in China, we have the greatest fears concerning Mr. Hoo's chances of survival.

Mr. Hoo is currently being supported by contributions from his two brothers plus his modest workshop earnings. He has been advised that it would not be possible for these brothers to remit funds for his care in China. This makes his plight all the more desperate.

Furthermore, he has proven himself to be intelligent, cooperative, and eager to become self-sustaining and a contributing citizen. It is our considered judgment that Mr. Hoo is a socially responsible person who would never have broken the law regarding entry to this country if there had been an alternative.

In view of the foregoing, we hope that immediate and favorable action can be taken. We attach a factual summary of our record for whatever additional help it may be.

It need hardly be added that our basic consideration in this matter is the client's health. We are not motivated by political considerations but are simply concerned about the life of a human being.

Sincerely yours,

IRMA MINGES,
Director, Rehabilitation Division.

NEW YORK, N. Y., *May 26, 1954.*

Re Fai Hoo, New York, N. Y.

Mr. ARMAND SALTERELLI,
Acting Chief, Deportation and Parole, Immigration and Naturalization Service, Department of Justice, Ellis Island, New York, N. Y.

DEAR MR. SALTERELLI: The above-named patient has been under the supervision of the surgical followup clinic of Seaview Hospital since December 8, 1952.

He has had pulmonary tuberculosis since 1946. His disease came under control after a period of hospitalization but he had a relapse in 1951. He was admitted to Seaview Hospital on September 10, 1951. A right pneumonectomy and a nine-rib right thorocoplasty were done in March of 1952. He was discharged from Seaview Hospital with a diagnosis of chronic pulmonary tuberculosis, far advanced, arrested, on September 19, 1952.

Since then he has attended the followup clinic. His complaints consist of shortness of breath, moderate cough and expectoration.

In April of 1954, his diagnosis was chronic pulmonary tuberculosis, far advanced, inactive. His physical activity is markedly limited and he was given training tolerance of 4 hours daily.

This patient originally had extensive pulmonary tuberculosis involving the right lung and also the left upper lobe. This required removal of the right lung and a nine rib thorocoplasty. The lesion on the left side has been stable for the past 18 months but its presence renders the patient's eventual prognosis precarious.

It is my opinion that the socioeconomic and physical environmental conditions to which the patient would be subjected on his return to his land of origin, would constitute a threat to his life. He would not survive a flareup of his disease on the left side which is his sole remaining lung.

I do not anticipate any change in the patient's overall condition during the next 6 months to 1 year.

Very truly yours,

HYMAN ALEXANDER, M. D.

INSTITUTE FOR THE CRIPPLED AND DISABLED,
New York, N. Y., January 21, 1955

Re Fai Hoo

Miss ANNA MALAFRONTE,
Tuberculosis & Health Association, Inc.,
New York, N. Y.

DEAR MISS MALAFRONTE: This is a brief summary of our report to date on Mr. Fai Hoo, of 121 Henry Street, New York.

Mr. Hoo was referred to the institute for a physical hardening program and power sewing machine operating training by your organization on February 23, 1954. On March 15, 1954, he was enrolled as a trainee on machine operating with a limitation of 3-hour work tolerance.

Mr. Hoo has made a very excellent adjustment and completed his training in better than average time. His work is excellent and we are confident that in the not too distant future he will be able to satisfactorily hold a job in the sewing machine operating field.

During the entire period that he has been here we have found him to be a very honest and conscientious individual, respectful of his supervisor, and maintaining very excellent work habits; he is generally liked by his fellow workers, and well as the staff.

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Just as soon as his work tolerance can be increased to a full day, we will consider Mr. Hoo as having been completely rehabilitated.

Sincerely,

EMIL A. TRAPANI,
Director, Industrial Rehabilitation.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2722), as amended, should be enacted.

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Calendar No. 1995

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1978

ELADIO LEDESMA-GUTIERREZ

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2930]

The Committee on the Judiciary, to which was referred the bill (S. 2930) for the relief of Eladio Ledesma-Gutierrez, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, change the period to a comma, and add the following: "upon payment of the required visa fee.".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Eladio Ledesma-Gutierrez. The bill has been amended to provide for the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Mexico who entered the United States in 1946 under an assumed name. The following year, after voluntarily departing, he again entered the United States under a different alias and was deported. He later entered with his parents and brothers and sisters for permanent residence, using his true name, but he failed to inform the consul of his previous deportation. He enlisted in the United States Army in 1951, but the following year was given an honorable discharge

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because he was not a lawful resident of the United States. The beneficiary is unmarried and is helping to support his 7 brothers and 6 sisters, all of whom are citizens or lawful resident aliens. It is stated that his deportation would result in economic hardship to his family.

A letter, with attached memorandum, dated April 10, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 10, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2930) for the relief of Eladio Ledesma-Gutierrez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States. The beneficiary has been found to be subject to deportation on the ground that he admits the commission of a crime involving moral turpitude prior to entry into the United States. The bill fails to provide for payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELADIO LEDESMA-GUTIERREZ, BENEFICIARY OF S. 2930

The beneficiary, Eladio Ledesma-Gutierrez, a native and citizen of Mexico, was born on October 26, 1929. He has never married and resides with his parents at 4658 28th Street, Detroit, Mich.

The beneficiary is employed as a laborer by the Production Steel Co., Detroit, Mich. He attended elementary school for 6 years in Mexico. He is presently earning $2.06 an hour and owns personal property valued at $1,200. His parents, 7 brothers, and 6 sisters, all United States citizens or lawful resident aliens, reside in the United States. A married sister resides in Mexico.

The beneficiary, who has used various aliases, was permitted to depart voluntarily from the United States on October 30, 1946. On February 17, 1947, he was deported under the name of Teodoro Gonzalez Romos. On April 6, 1947, he again departed voluntarily. On April 23, 1947, he was admitted to the United States for permanent residence under his true name. However, it was subsequently ascertained that the visa he presented was not valid because he had fraudulently denied in his application that he had never been deported previously. He last entered the United States without documents and without inspection on September 15, 1951, following a temporary absence in Mexico.

A warrant of arrest in deportation proceedings was issued on October 21, 1951, on the grounds that the beneficiary entered the United States without a visa or passport; that he entered without having permission to reapply for admission after arrest and deportation; and that he admitted the commission of a crime involving moral turpitude prior to entry, to wit, perjury. On October 26, 1951, he was ordered deported on the above grounds. His appeal to the Board of Immigration Appeals was dismissed.

The beneficiary enlisted in the United States Army on April 10, 1951, and served until January 17, 1952, when he was honorably discharged because he was an alien who did not have a lawful residence in the United States. He has testified that his discharge was not the result of his own request, but resulted from the institution of deportation proceedings by this Service. In August 1953 the beneficiary petitioned for an Executive pardon for the commission of the crime of perjury. On December 8, 1955, the pardon attorney of the Department of Justice advised him that it had been determined that the petition would not be submitted to the President.

Senator Pat McNamara, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
January 18, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: On January 16, 1956, I introduced private Bill S. 2930, in behalf of Eladio Ledesma-Gutierrez, of Detroit, Mich.

Mr. Ledesma-Gutierrez has been asked to report to the Detroit immigration office for deportation on January 24, 1956. We should appreciate it very much if you would ask the Immigration Service to stay deportation, and so wire their Detroit office, until the Congress has an opportunity to act in this case.

Attached is a report from the International Institute of Metropolitan Detroit in this case. This agency has made a thorough investigation of the situation, and I am confident that their recommendation for granting permanent residence is well founded.

I wish also to call to your attention the enclosed letter from Father Kern, to whom the young man is paroled by the Immigration Service. Father Kern is well known and has an excellent reputation in Detroit, so that his recommendation, too, I would consider a valuable indication of the young man's character.

We do not condone the young man's lying under oath. We do feel that his eagerness and anxiety to enter the United States weigh very heavily in this situation. His attempts to enter the country were made when he was 16 and 17, and at just barely past 18 he was admitted with his family. It is at this time, when his dream became a reality, that his youthful ardor outweighed his not-yet-mature judgment.

His subsequent Army service, which earned him an honorable discharge, together with the fact that he is now considerably older, have undoubtedly matured his judgment. His responsibility is attested to by his work and devotion to his family.

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We hope that your committee will find it possible to take favorable action in this case.

Sincerely,

PAT MCNAMARA,
United States Senator.

INTERNATIONAL INSTITUTE OF METROPOLITAN DETROIT, INC.,
Detroit, Mich., December 29, 1955.

Re Eladio Ledesma-Gutierrez

Hon. PARTICK MCNAMARA,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR MCNAMARA: It would be deeply appreciated by us if you would introduce a private bill for the relief of our client, Eladio Ledesma-Gutierrez, living at 4658 28th Street, Detroit 10, Mich.

The following is Mr. Ledesma's case: Mr. Ledesma was born in Mexico on October 30, 1929. In addition, to his parents who live at the above address, he has 7 brothers and 5 sisters living with the parents. One of his sisters lives in Mexico. All members of the Ledesma family living in Detroit are lawful permanent residents of the United States except for our client.

Mr. Ledesma is under deportation proceedings which may be reopened against him any time now since the Department of Justice informed us by their letter dated December 8, 1955, that they "reached the conclusion that the Department would not be warranted in submitting his petition for a pardon to the President, and that the pardon provision of the Immigration and Nationality Act is not applicable to Mr. Ledesma's situation."

Mr. Ledesma entered the United States for the first time in 1946, using the birth certificate of one Maurilio Muniz. He was arrested by the Immigration Service and deported. The second time he entered the United States in 1947, using a birth certificate of a Raul Belmares. He was apprehended soon after his entry and deported. The last time he entered on a passport visa under his own name, April 3, 1948, accompanied by his parents and brothers and sisters. This time, the charge is that he did not disclose his previous deportations to the United States consul, although he was under oath. He once more departed on a few hours' trip to Mexico in the summer of 1951, as a member of the United States Armed Forces at El Paso, Tex.

In view of the fact that his petition for Presidential pardon has failed, private legislation appears to be the only relief available to Mr. Ledesma.

Mr. Ledesma is aware of the seriousness of the law violations and we do not wish to minimize them in any way. However, there are a number of mitigating circumstances in favor of our client. His first entries in 1946 and 1947 were made when he was an adolescent under 18 years of age. When he committed the act before the United States consul, some time in January 1948, he was just about 3 months beyond his 18th year of age. He feels that he committed these acts because he was unaware of violating the law of the United States in any serious manner.

When our client was investigated, he readily admitted these violations and he has been most cooperative in providing the Immigration Service with all the necessary facts on his case. Mr. Ledesma has had a clean political and police record both in Mexico and in the United States. He was drafted into the United States Army on April 10, 1951, and served until January 17, 1952, when he obtained an honorable discharge from the Army. He was discharged at the request of the Immigration and Naturalization Service for the purpose of initiating deportation proceedings against him.

In spite of the difficulties he experienced in looking for employment because of his illegal status in the United States, Mr. Ledesma has been working regularly and turning over his earnings to his parents. There are 10 members of the family, including his parents and his younger brothers and sisters who are dependent upon our client's and his two brothers' support. We know that the family would suffer a severe economic hardship if our client should be deported.

The Ledesma family is well known in the Mexican-American community as respectable, hard-working people, who have been a great asset to the community. They are members of the Most Holy Trinity Church. Father Kern, of this church, supported the pardon petition and knowing that Mr. Ledesma, our client, is a reliable person, he accepted the guaranty for him toward the Immigration and Naturalization Service.

Mr. Ledesma has been known to our organization since August 1952 as a hard-working man of a very good moral character. He already has been severely punished by the fear and anxiety lest he be separated from his family. He is a very stable person, faithful to the religious and ethical principles. From our frequent contacts with him and our knowledge of his attitudes, we believe that his act in 1948 was only due to his immaturity at that time. He had a good record in the United States Army and a recommendation of his superior officer is a part of his immigration record.

We can recommend the case of Mr. Ledesma to you without any hesitation.

Sincerely yours,

LESLIE F. STASNY,
Caseworker.

(Miss) HELEN M. DAY,
Supervisor of Casework.

MOST HOLY TRINITY RECTORY,
Detroit, Mich, January 2, 1956.

Hon. PATRICK MCNAMARA,
Senate Office Building, Washington, D. C.

DEAR SENATOR: This letter is to humbly request of you a favor in behalf of a young Mexican lad who lives at 4658 28th Street, Detroit, Mich. What is needed is a private bill for the young man.

The International Institute has written up the case and sent it on to you. The family and the young man are well known in this parish ever since they have come from Mexico.

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The boy has done very well since I have had him under parole from the Immigration and Naturalization service, and he comes from a large family needing his help.

It seems like a very worthy case, and if there is anything you can do in this matter it will be gratefully appreciated.

Respectfully submitted.

CLEMENT KERN
Father Clement Kern.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2930), as amended, should be enacted.

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Calendar No. 1996

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1979

CHAN LEE NUI SIN

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3011]

The Committee on the Judiciary, to which was referred the bill (S. 3011) for the relief of Chan Lee Nui Sin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to illiteracy in behalf of Chan Lee Nui Sin.

STATEMENT OF FACTS

The beneficiary of the bill is a 60-year-old native and citizen of China who is a refugee from Communist China and presently resides in Hong Kong. Her husband was killed by the Communists; her son was taken away to a concentration camp and his whereabouts are unknown. It is further stated that all of her property was confiscated. She is being supported by her godson, a United States citizen, who lives near Boise, Idaho. It appears that she is eligible in every respect for a visa under the Refugee Relief Act, except for her illiteracy. Her godson, who is a successful farmer, is her sponsor and will provide for her in every respect.

A letter, with attached memorandum, dated March 30, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 30, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3011) for the relief of Chan Lee Nui Sin, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who cannot read and understand some language or dialect, and would authorize the alien's admission for permanent residence, if she is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE RE CHAN LEE NUI SIN, BENEFICIARY OF S. 3011

Information concerning this case was obtained from Mr. Philip Lee, the godson of the beneficiary.

Chan Lee Nui Sin, a native and citizen of China and of the Chinese race, was born on September 6, 1895. Her husband was killed in about 1953. Her only child, a son between 30 and 35 years of age, was taken from his village by the Communists and his whereabouts is unknown. She is presently residing at 1 Lung Kong Road, Kow Loon, Hong Kong.

The beneficiary is supported by funds sent by her godson. She has had no education and is illiterate. She has no assets. Prior to the summer of 1953 she resided on the Chinese mainland.

The beneficiary has never been in the United States. According to Mr. Lee, she was denied an immigrant visa by the American consul at Hong Kong in about 1955 because she is illiterate.

Mr. Philip Lee, a United States citizen, is a truck farmer. He owns a farm at Route 1, Boise, Idaho, which he estimates is valued at $25,000. He has no indebtedness. His net income last year was $4,500. He has savings in the amount of $6,300. Mr. Lee expressed an intent to provide a home and support for the beneficiary if she is permitted to enter the United States.

Senator Herman Welker, the author of the bill, has submitted the following letter in connection with the case:

UNITED STATES SENATE,
April 4, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is with reference to S. 3011, for the relief of Chan Lee Nui Sin.

I hope the following information concerning the case of Chan Lee Nui Sin will assist the committee in taking prompt action. I am convinced that it is a deserving case and that the bill should be favorably reported.

The following information was presented by Mr. Philip Lee, residing at Route 1, Boise, Idaho. He is Chan Lee Nui Sin's godson, who has furnished assurances.

"Things about my godmother. Her name is Chan Lee Nui Sin, now is 60 years old. She was used to live in a village in Toy Shan, Canton, China, until the Red Chinese took over. In the year of 1951 in June her husband was arrested by the Red Chinese, accused him as a landlord and punished him to death. Her property and everything was taken away by the Red and her only son was put into the concentration camp. Now she does not know where he is at, perhaps killed by the Red also.

"Since she cannot live any longer under the Communist pressure, she escaped and went through all unthinkable troubles to reach Hong Kong in 1953. Ever since then, she lives in a crowded residence in Kowloon, Hong Kong, by herself. I am sending her all financial support.

"Her husband was used to be here in New Orland, Calif., went back to China before the 2nd World War, was caught by the war in China and after war, he was too old to come back here.

"Her husband was a very good friend of my father and that's how she was made godmother to me, and regard her as my mother, since I don't have a mother any more.

"Her mailing address is: Care of Kowloon Stgam Laundry, 1 Lung Kong Road, Kowloon, Hong Kong.

"As a law, being a refugee to come to this country, she has to have a passport from the Chinese Nationalist Government in Formosa, beside a visa issued by the United States consul in Hong Kong. Her application for a passport from the Chinese Government has now been approved.

"My name is Philip Lee, 31 years old of age, residing at Route 1, Boise, Idaho. Have been married over 7 years and have 4 children, Sally 6, Arthur 2, Terry 18 months, and Stanley 6 months. I own and operate a truck gardening farm here.

"It is because I am far away from the labor camp, during the growing season, having lots of trouble in getting good farm help. Therefore if my godmother can be here, she can take care of children, cooking and household works, so my wife can help me farming.

"I have a house with all necessary facilities. Upon her arrival, she will be fully taken care of and I can assure that there will be no burden to the Government, and I'll pay for her trip and everything else."

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Mr. William Campbell, an outstanding citizen of Boise, Idaho, who is well acquainted with Mr. Philip Lee, and the case of Chan Lee Nui Sin, writes as follows:

"Mr. Lee's godmother, who is living in Kowloon, Hong Kong, is not employed, and Mr. Lee has been providing her full support ever since she escaped from Communist China.

"She would like to enter the United States and reside here in Idaho with Mr. Lee, who will provide her support, which will include housing. Mr. Lee operates a successful truck-garden farm, here in the Boise Valley, and together with his father-in-law and wife, put in many long hours during the summer months in raising vegetables for market here in this area. His godmother would be in charge of the children, do general housework, which would relieve Mr. Lee's wife for work with her husband in running their truck farm.

"At the present time, she is living by herself. She is a widow, living in a crowded residence in Hong Kong. Mr. Lee is the closest relative, she being his godmother; her husband was killed by the Communist, and her son was taken away from her by the Communists. Mr. Lee, who is a successful farmer in this area, and who has an excellent reputation, can provide the necessary means of support for the care of his godmother, and provide a nice home for the latter years of her life. She will be able to take care of the children, do the cooking and general housework, and, of course, will have much better living conditions. Mr. Lee will pay her fare from Hong Kong to the United States, so there would be no money that the United States Government would have to put out for the passage."

If there is any additional information required, I shall be happy to furnish it.

Sincerely,

HERMAN WELKER,
United States Senator, Idaho.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3011) should be enacted.

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Calendar No. 1997

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1980

GERTRUD CHARLOTTE SAMUELIS

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3040]

The Committee on the Judiciary, to which was referred the bill (S. 3040) for the relief of Gertrud Charlotte Samuelis, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7, change the period following the word "fee" to a comma and insert the following:

> under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Gertrud Charlotte Samuelis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill has been amended to provide for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

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STATEMENT OF FACTS

The beneficiary of the bill is a 68-year-old native and citizen of Germany who entered the United States at San Pedro, Calif., on February 10, 1955, as a visitor. When she applied for a change of status to that of a permanent resident, the physical examination disclosed that she had tuberculosis. She spent 2½ months in the University State Tuberculosis Hospital in Portland, Oreg., and was discharged as cured. She presently resides in Portland with her son, a naturalized United States citizen, and he provides her support.

A letter, with attached memorandum, dated March 26, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 26, 1956.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3040) for the relief of Gertrud Charlotte Samuelis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The latest available information indicates that the quota for Germany, to which this beneficiary is chargeable, is not oversubscribed

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUD CHARLOTTE SAMUELIS, BENEFICIARY OF S. 3040

The beneficiary, Gertrud Charlotte Samuelis, a native and citizen of Germany, was born on December 14, 1887. She is a widow and resides with a son, a citizen of the United States, at 2072 Southwest Broadway Street, Portland, Oreg.

The beneficiary is not employed outside the home. She attended elementary school in Germany for 8 years. Her assets consist of $250 savings. A son resides in Argentina and a brother and sister reside in Germany. Mrs. Samuelis resided in Argentina from 1938 until her entry into the United States.

The beneficiary entered the United States as a visitor at San Pedro, Calif., on February 10, 1955. On June 6, 1955, she applied for adjustment of status under the provisions of section 245 of the Immigration and Nationality Act. This application was denied on December 28, 1955, because of her affliction with tuberculosis. Her appeal from this order

was dismissed. On February 13, 1956, the beneficiary was placed on notice that unless she departs from the United States voluntarily, an order to show cause why she should not be deported for failure to maintain her visitor status will be issued.

The beneficiary was a patient at the University State Tuberculosis Hospital, Portland, Oreg., from October 11, 1955, until her discharge on December 25, 1955. Her son, with whom she resides, is providing her support.

A companion bill, H. R. 8512, has been introduced in the 84th Congress for relief of the beneficiary.

Senator Richard L. Neuberger, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
January 27, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR KILGORE: On January 24, 1956, I introduced Senate bill 3040 for the relief of Mrs. Gertrud Charlotte Samuelis. I feel this case is one of the most meritorious that I have seen and is worthy of your committee's consideration. I am enclosing photostatic copies of letters that I have received from the Immigration and Naturalization Service and from Mr. Sol Siegel, attorney at law.

The facts of the situation are these: Mrs. Gertrud Charlotte Samuelis is a widow of 68 years of age, having been born in Berlin, Germany. She and her late husband left Germany for Argentina in 1943, where she lived until February 1955. Her son, Gary Samuelis, has been in the United States since 1937 and is a United States citizen and resides at 2072 Southwest Broadway, Portland, Oreg.

Mrs. Samuelis came to this country in February 1955, under a temporary permit, to visit her son. While in the United States, she applied for status as a permanent resident, and, when undergoing a physical examination by the Public Health Service, the examination indicated she was afflicted with tuberculosis. That was the first time she knew she was so afflicted and she had had a general physical examination prior to her departure to the United States.

According to the report by the Immigration and Naturalization Service, Mrs. Samuelis is receiving outpatient treatment as an arrested tuberculosis case, and may possibly be able to pass a medical examination about March 1957. Mrs. Samuelis obtained admission to the University of Oregon State Tuberculosis Hospital in Portland, Oreg., on October 11, 1955, where she remained until December 25, 1955. According to the report by Dr. James T. Speros, assistant medical director of the University State Tuberculosis Hospital, all the tuberculosis tests are now negative.

As a result of Mrs. Samuelis' tuberculosis affliction, she was notified that her petition as a permanent resident had been denied. An appeal was made to the regional commissioner of the Northwest regional office, Immigration Service, in St. Paul, Minn., but the appeal was denied in the absence of a certificate from the Public Health Service, and such a certificate, I understand, is not obtainable until the tuberculosis condition has been arrested without a recurrence for a period of at least 12 to 18 months. The Immigration Service,

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in their report to me, indicates that Mrs. Samuelis may possibly be able to pass a medical examination about March 1957.

By letter of January 9, from the Portland office of the Immigration and Naturalization Service, Mrs. Samuelis was informed of the denial of her appeal and was granted until February 11, 1956, to leave the United States. That is where the case stood when I introduced Senate bill 3040 for relief of Mrs. Samuelis, granting her permanent residence in the United States. I understand that Mrs. Samuelis has applied for an extension of time within which to depart from the United States.

It would seem a serious miscarriage of justice if Mrs. Samuelis was forced to leave her son and the United States. I hope that your committee can take favorable action on this bill.

Sincerely,

RICHARD L. NEUBERGER,
United States Senator.

UNIVERSITY OF OREGON MEDICAL SCHOOL
HOSPITALS AND CLINICS,
Portland, Oreg., December 14, 1955.

Re Mrs. Gertrud Samuelis

UNITED STATES IMMIGRATION SERVICE,
United States Court House, Portland, Oreg.

GENTLEMEN: The above-named individual was admitted to the University State Tuberculosis Hospital on October 11, 1955, with X-ray evidence of fibrocalcific infiltrations in the left apex and sputum positive by guinea-pig inoculation in August 1955.

X-ray examinations, including laminography, again reveal the left spical densities with no evidence of cavitation. There are no symptoms referable to the chest. All sputum examinations have been negative by concentration and culture and all gastric washes have been negative by culture for acid-fast bacilli. Guinea-pig inoculations of gastric washes have not as yet been reported.

It is our opinion that the pulmonary condition is minimal, arrested. We are contemplating her discharge in the near future.

Sincerely yours,

JAMES T. SPEROS, M. D.,
Assistant Medical Director.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 20, 1956.

Hon. RICHARD L. NEUBERGER,
United States Senate, Washington, D. C.

DEAR SENATOR NEUBERGER: Reference is made to the telephonic request of your office under date of January 13, 1956, for a report concerning the immigration case of Gertrud Charlotte Samuelis.

The field office concerned has advised that the application of Mrs. Samuelis for adjustment of status under section 245 of the Immigration and Nationality Act was denied by this Service, she having been found ineligible for such relief by reason of the provisions of section 212 (a) (6) of the above act, as a person afflicted with tuberculosis. She has been granted until February 11, 1956, within which to depart from the United States.

Mrs. Samuelis has applied for an extension of time within which to depart, in order to permit her son to file a visa petition in her behalf under section 203 (a) (2) of the Immigration and Nationality Act. The report further states that Mrs. Samuelis is receiving outpatient treatment as an arrested tuberculosis case, and may possibly be able to pass a medical examination about March 1957.

Sincerely,

J. M. SWING, *Commissioner.*

GOLDSMITH, SIEGEL & GOLDSMITH

ATTORNEYS AT LAW

PORTLAND, OREG., *January 11, 1956.*

Senator RICHARD L. NEUBERGER,
United States Senate Building,
Washington, D. C.

DEAR DICK: We are writing you as well as Mrs. Edith Green about the matter contained in this letter, since we are hopeful that a special bill might be passed by both Houses allowing Mrs. Gertrud Charlotte Samuelis to stay in this country for a period of about 18 months, at the expiration of which time, barring a recurrence of her tubercular condition, she might successfully apply for status as a permanent resident of the United States.

The facts are these: Mrs. Gertrud Charlotte Samuelis is a widow of 68 years of age, having been born in Berlin, Germany, on December 14, 1887. She and her husband, Ismar Samuelis, left Germany for Argentina in 1943. Mr. Samuelis died in 1953. Their son, Gary Samuelis, has been in this country since 1937, and is a citizen of the United States. He has been employed by Lipman & Wolfe Co. since 1946 and is now buyer of the linens, bedding, and luggage departments of that store. He resides with his wife and son at 2072 Southwest Broadway, Portland, Oreg.

Mrs. Samuelis came to this country under a temporary permit in February 1955 to visit with her son, Gary Samuelis, and his family in Portland, Oreg. Her stay here so endeared her to the United States that she applied for status as a permanent resident of the United States. We have been informed that her application for status as a permanent resident terminated her nonimmigrant status here under her temporary permit.

In conjunction with her application for status as a permanent resident, Mrs. Samuelis was given a medical examination by a physician of the Public Health Service, and such examination revealed that she was afflicted with tuberculosis. This was the first knowledge by Mrs. Samuelis that she was so afflicted. She had taken a general physical examination prior to her departure for the United States, but such examination did not reveal her tuberculosis if she were so afflicted at that time.

Shortly after learning of her affliction, Mrs. Samuelis obtained admission to the University State Tuberculosis Hospital in Portland, Oreg., on October 11, 1955, where she remained until December 25, 1955. In the meantime, she was notified that her petition for status as a permanent resident had been denied by reason of her affliction with tuberculosis, this being mandatory under the applicable law.

In the early part of December 1955, Mrs. Samuelis was informed by Dr. James T. Speros, assistant medical director of the University

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State Tuberculosis Hospital in Portland, that the tuberculosis condition of Mrs. Samuelis had been arrested, and that all of the tests were then negative. Notice of appeal to the regional commissioner of the northwest regional office in St. Paul, Minn. and a brief in support thereof were filed, to which was attached a letter from Dr. James T. Speros indicating that Mrs. Samuelis' tuberculosis had been arrested. We are attaching a copy of that letter hereto.

The appeal was denied in the absence of a certificate from the physician representing the Public Health Service, and such a certificate is not obtainable until the tuberculosis condition has been arrested without a recurrence for a period of at least 12 to 18 months.

By letter of January 9 from the Portland office of the Immigration and Naturalization Service of the United States Department of Justice, Mrs. Samuelis was informed of the denial of her appeal by the acting regional commissioner on December 28, 1955, and she was further informed that she had until February 11, 1956, to leave the United States in accordance with the decision of the acting regional commissioner. A copy of such letter is also attached hereto.

We have just petitioned the regional commissioner for an extension of time for Mrs. Samuelis to depart from this country from February 11, 1956, to February 11, 1957, pointing out that it would be more conducive to a prevention of a recurrence of tuberculosis for Mrs. Samuelis to stay with her son and obtain the necessary care and rest in Portland, rather than making the long trip back to Argentina. In such letter we mentioned that we were contacting our Congresswoman and Senator to see if special legislation might be passed allowing Mrs. Samuelis to remain in the United States a sufficient length of time for her tuberculosis condition to have been arrested long enough to allow her to obtain the necessary certificate from the physician of the Public Health Service so that she might again apply for status as a permanent resident of the United States. A copy of that petition is also attached hereto.

Since the departure date given Mrs. Samuelis is February 11, 1956, immediate action is necessary. We have been informed that once this matter has been referred to the appropriate committees of the House and Senate, a stay of the departure order may be entered giving the committees time to make their report, and the Senate and House time to take such action pursuant thereto as they decide upon.

If the stay or an extension of such departure time is not obtained, and Mrs. Samuelis does not leave the country voluntarily, deportation proceedings will be commenced. This Mrs. Samuelis cannot risk, since the chances of Mrs. Samuelis ever reentering the country would be greatly minimized by her resistance of a deportation order.

We and our clients would greatly appreciate whatever you can do for Mrs. Samuelis. This is most important to her and to her son, since they both would like to see Mrs. Samuelis spend whatever years she has remaining here in the United States with her son and his family.

Very truly yours,

SOL SIEGEL,
GOLDSMITH, SIEGEL & GOLDSMITH.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3040), as amended, should be enacted.

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Calendar No. 1998

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1981

JAVIER F. KUONG

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3058]

The Committee on the Judiciary, to which was referred the bill (S. 3058) for the relief of Javier F. Kuong, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Javier F. Kuong. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Peru of the Chinese race who entered the United States at Miami, Fla., on September 23, 1952, as a visitor. He attended the University of Pennsylvania from 1952 to 1954 and received the degree of master of science in chemical engineering. He is presently employed by Atlas Powder Co. in Wilmington, Del., and information is to the effect that his services are indispensable to them. He is in charge of the manufacture of sorbitol which is a highly important product. It is stated that the United States Government placed it 100 percent on Government allocation during the past war.

A letter, with attached memorandum, dated March 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3058) for the relief of Javier F. Kuong, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file. According to the records of this Service, the complete name of the beneficiary is Javier Felipe Kuong-Jo.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JAVIER F. KUONG, BENEFICIARY OF S. 3058

The beneficiary, who is also known as Javier Felipe Kuong-Jo, was born on September 13, 1928, in Peru, and is a citizen of that country. He attended the University of San Marcos in Lima, Peru, from 1946 to 1950, where he received the degree of bachelor of science in chemical engineering. He also attended the University of Pennsylvania at Philadelphia, Pa., from September 1952 to June 1954, where he received the degree of master of science in chemical engineering.

The beneficiary's father is deceased. His mother, 3 sisters and 2 brothers reside in Lima, Peru. He is single and resides in Wilmington, Del., where he is employed by the Atlas Powder Co. as a chemical engineer at an annual salary of $6,000. His assets consist of cash in the amount of $1,100 and personal property valued at $200.

The beneficiary was admitted to the United States at Miami, Fla., on September 23, 1952, as a visitor. He failed to comply with the conditions of his admission and deportation proceedings were instituted against him. Following the institution of such proceedings, he was granted the privilege of voluntary departure with an alternative order of deportation in the event of failure to depart voluntarily.

Senator J. Allen Frear, Jr., the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

ATLAS POWDER CO.,
Wilmington, Del., January 20, 1956.

Re Javier F. Kuong.

Mr. ROBERT F. KELLY,
Administrative Assistant to Hon. J. Allen Frear,
United States Senate, Washington, D. C.

DEAR BOB: As you requested I am writing this letter to set down the importance of Mr. Kuong to Atlas Powder Co. and also to summarize his personal history.

IMPORTANCE TO ATLAS POWDER CO.

Since by far the greater part of Mr. Kuong's work with Atlas has been in connection with the production of sorbitol and since his present duties are solely in that field, a brief discussion of sorbitol is in order.

Atlas is the sole producer of sorbitol for sale in the United States. We manufacture it from corn sugar in our chemicals plant at Atlas Point near Wilmington, Del.

Sorbitol is extensively used in foods, pharmaceuticals, explosives, and many industrial products where its humictant properties are useful. It is also the base material for a large number of industrial emulsifiers.

Its defense essentiality is made obvious by the fact that sorbitol was 100 percent on Government allocation during the last war.

Atlas pioneered the manufacture of sorbitol beginning in 1937. Its process of manufacture has gone through a number of revolutionary changes since that time and today and for the past few years we have been manufacturing sorbitol by a continuous high-pressure process which is entirely unique. For about the past year production has been running at about 2,500,000 pounds per month.

It is because of our position as sole manufacturers of sorbitol and because of the unique character of our process that it is impossible to obtain new workers who can fit into our process of operation without an extended training period.

Javier F. Kuong first came to Atlas on a summer job while he was still at the University of Pennsylvania. For that job he was assigned to the technical section of the plant. This technical section was charged with the development of our process and product improvements, with the investigation of complaints and with general trouble-shooting operations around the plant. Even on his summer job Mr. Kuong's superior education and special engineering talents proved themselves quickly and the plant manager was extremely glad that Mr. Kuong was able to come back to work at Atlas after he had received his master's degree in February of 1954. Since his return to work Mr. Kuong has made himself so valuable and has acquired so much knowledge of the workings of the plant operation that he has been made the technical assistant to the production superintendent. This position is a specific one which has been provided in the table of organization of the plant. A copy of the description of this position is attached. In this position Mr. Kuong does much the same work he did when in the general plant technical group which is referred to above. Because of loss of personnel to other Atlas operations this

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group has been disbanded and Mr. Kuong is now in sole charge of these functions for the entire sorbitol operation.

The current shortage of engineers in this country is notorious. Four new engineers are needed at Atlas Point at this time and have not been found available. To replace Mr. Kuong would obviously be impossible. His 2 years of experience on the plant cannot be obtained anywhere else because of the unique nature of our operations. Moreover, even if this were not true we do not believe that it would be possible to obtain a man of his ability both from a technical standpoint and from the standpoint of being able to obtain cooperation from all regular operating personel. Mr. Kuong's technical ability has been shown many times through improvements which have been made in plant operations and he is the most highly educated man on the plant. His ability to get along with other people has been particularly pronounced, and as can be seen from his job description, it is peculiarly necessary for his position.

To put it shortly, Mr. Kuong is irreplaceable certainly for a period of as long as he has been on the plant, because of the need for experience, and we feel quite surely also because of his own innate technical and social abilities.

MR. KUONG'S PERSONAL BACKGROUND

He was born Javier Felipe Kuong on September 13, 1928, in Ilo, a small town in Moquegua department of Mariscal Nieto Province. His father was Adrian Kuong, a merchant who operated a general store in Ilo. His father had emigrated to Peru from China as a very young man along with two brothers, Francisco and Ricardo Kuong.

Javier's mother is Victoria Jo Huarachi. Victoria Jo is a natural-born Peruvian citizen but her father was of Chinese extraction and operated a farm.

When Javier Kuong was about 3 his family moved to the town of Moquegua in the same department and Province where his father maintained a business of the same sort as he had maintained in Ilo. This residence continued until 1940 when Adrian Kuong, the father, moved to Lima for medical treatment. The remainder of the family followed the father to Lima in 1941 where they lived at 112 Jiron de La Coba.

Adrian Kuong died in 1943 and the family moved in 1945 to 556 Milagro Street in Lima. As a boy Mr. Kuong attended public schools in Moquegua and Lima except during the year 1942 when he attended Colegio Modelo, a private school in Lima.

In 1946 Mr. Kuong entered college being admitted to Universidad Nacional Mayor de San Marcos in Lima, where he studied until 1950. For the last 4 of these 5 years Mr. Kuong received a tuition scholarship which is regularly granted to the top 10 percent of the class. When he graduated with a degree of chemical engineer he was second in his class.

During his last year at school he was employed part time by the Peruvian North American Cooperative Service, education division, Office of Institute of Inter-American Affairs. In June 1951 he was made an instructor in chemical engineering at San Marcos University and he also did some outside consulting work. In September 1942 he came to the University of Pennsylvania for his graduate work and

received a scholarship covering his tuition. He also received a loan from the Leo S. Rowe Pan American Fund and received assistance from his family in Peru. While at the University of Pennsylvania he rented a room from a Mrs. Lopez, at 4211 Baltimore Avenue, Philadelphia 4, Pa. There were no other roomers at the house. He stayed there until he came to Wilmington on his summer job with Atlas Powder Co. in June of 1953. During that summer he lived at the YMCA in Wilmington. From October 1953 until February 1954 while he was back at college he lived at 216 DeKalb Street, Philadelphia in a roominghouse run by Miss Dorothy Neal. Mr. Kuong had a single room although one other student roomed at the house. In February 1954 Mr. Kuong received his master of science degree in chemical engineering from the University of Pennsylvania and returned to Atlas to work full time although he continued to do some graduate work at Pennsylvania. From February 1954 until last September he lived in a single room at the YMCA in Wilmington. Since last September he has rented an apartment with two other men at 205 C, Thomas Drive, Monroe Park, outside of Wilmington. One of his apartment mates is William R. Banfield, an employee of the export division of the Du Pont Co. Mr. Banfield is of Brazilian nationality but is a permanent resident of the United States seeking citizenship. The other apartment mate is Jack E. Lockledge, who is also an employee of the export division of Du Pont. Mr. Lockledge is a United States citizen by birth.

Mr. Kuong is a Roman Catholic and attends at the Sacred Heart of Jesus Church in Wilmington. A check with Father Huber, the priest at that church, has confirmed that Mr. Kuong is a very regular attendant.

Except for Mr. Kuong's church affiliations the only organizations he belongs to are the American Institute of Chemical Engineers, the Wilmington YMCA, and Alpha Chi Sigma, an honorary chemical fraternity.

Apparently Mr. Kuong spends his spare time largely in reading and particularly in reading technical literature. He also likes to drive and has purchased and owns a 1950 Ford coupe.

Also he is currently taking extension courses at the University of Delaware.

About 1950 Mr. Kuong's mother remarried and she now lives in Lima with her second husband and Mr. Kuong's brothers who are still home. Mr. Kuong has 3 sisters, each of whom is married, 1 to an accountant and the other 2 to businessmen. He also has 2 brothers, 1 of whom is currently studying at engineering school and the other 1 is still in high school.

Mr. Kuong understands that his father once had some relatives in China and at one time, as a boy, an older brother of Mr. Kuong's was taken to China and died there. However, he believes that there has been no contact on the part of his family with China since that time. He himself knows of no relatives in China.

I asked Mr. Kuong for a list of his friends and he gave me the following:

Gilbert Wiltbank, Jr., an employee of the treasurer's department of the Du Pont Co., who lives at 907 Jefferson Street in Wilmington.

John W. Chambers, a graduate student in chemical engineering at the University of Pennsylvania in Philadelphia.

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Dr. Edgar W. Brightbill, an employee of the polychemicals department of the Du Pont Co. at the Du Pont experimental station outside of Wilmington.

Mr. Kuong's best friend from Peru also happens to be in this country. He is Dr. Jorge Franco C., who is a resident in medicine at the Bon Secours Hospital in Baltimore, Md. Mr. Kuong tells me that he has no close friends in this country who are of Chinese background and has very few such friends in Peru. He can neither read nor write Chinese at all.

I hope that this discussion has covered what you are looking for. If it hasn't please let me know right away if there is anything more that I can get. One thought has occurred to me since I last talked to you and that is, that perhaps Senator Frear might like to meet Mr. Kuong himself, in which case I am sure we would be very happy to send Mr. Kuong to Washington either with or without one of us. I think that it would only take a very few minutes of talking to him before the Senator would realize how important he has become to us.

Yours very truly,

ROGER R. HORTON.

PRODUCTION DEPARTMENT JOB DESCRIPTION

TECHNICAL ASSISTANT TO PRODUCTION SUPERINTENDENT (EXEMPT)

Education

Holds a college degree, preferably in chemistry or chemical engineering or related field. Graduate work in these areas is desirable.

Experience

Has acquired broad technical experience in Atlas plant operations, know-how, product line, and applications. Possesses a good general knowledge of the chemical process industry and has kept abreast of the technology in his field.

Special qualifications

Ability to write and express himself well.

Freedom from complacency and an interest in improving existing practices.

Skill in handling assignments without line authority.

Supervisory qualifications

While desirable, special supervisory ability is not required. Will supervise one or more assistants and clerical help. Many of the characteristics usually associated with supervision are required since this man must be able to get along with people at all levels.

Responsibilities

Under the direction of the Production Supervisor, the Technical Assistant shall be responsible for—

1. Investigating abnormal yields and failures and interruptions in production and recommending corrective action.
2. Investigating customer complaints involving quality or specifications.
3. Observing plant operation in order to identify deviations from standard manufacturing practices, and reporting such devi-

ations to the shift supervisor with recommendations for correcting or adopting the change in practice.

4. Observing unsafe conditions and operations in the plant and recommending corrective action to the shift supervisor.

5. Initiating proposals for investigating or discovering and developing techniques and processes with improved yields or otherwise lowered costs.

6. Developing new or improved manufacturing processes as approved by the director of production.

7. Collaborating with the process engineering department in the transfer of new products and new processes to regular production facilities.

8. Collaborating with the process engineering department in the installation and initial operation of new equipment.

9. Maintaining currently manuals of formulas, standard manufacturing practices, and operating and maintenance instructions as they are issued or changed by the appropriate authority.

ATLAS POWDER CO.,
Wilmington, Del., January 24, 1956.

Hon. J. ALLEN FREAR, Jr.,
United States Senate, Washington, D. C.

DEAR SENATOR FREAR: We appreciate very much the time which you took out of a busy day last week to talk with us regarding our problem involving Mr. Kuong. Thank you also for developing for us the disturbing fact that the Immigration and Naturalization Service is about to take action to deport Mr. Kuong. I think that you will agree that under the circumstances our only present recourse, if we are to keep Mr. Kuong in this country, is to apply to the Congress via the private-bill route.

Since our meeting with you, we have developed for Bob Kelly considerable further information which we have forwarded to him in the form of a letter dated January 20. Possibly he has shown this letter to you. As you know, we are thoroughly convinced of the importance, if not the indispensability of Mr. Kuong to our operation. Also, we have complete confidence in Mr. Kuong's suitability for permanent residence and eventual citizenship in this country.

For these reasons, we respectfully request you to consider filing a private bill for the relief of Mr. Kuong, to permit him to remain in this country as a permanent immigrant.

In making this request, we realize the additional burdens we are asking you to assume. Please be assured that we would not make this request unless we felt the matter to be of really vital importance.

Please let me repeat the remark made in our earlier letter to Mr. Kelly. If in your consideration of this matter you would like to talk personally with Mr. Kuong, we shall be glad to send him to Washington at your convenience, for a discussion with you, either in private or with one of us from the Atlas management, as you may prefer.

Yours very truly,

CHARLES C. GAMMONS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3058) should be enacted.

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Calendar No. 1999

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1982

ELSIE M. KENNEY

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3147]

The Committee on the Judiciary, to which was referred the bill (S. 3147) for the relief of Elsie M. Kenney, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Elsie M. Kenney. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native of Jamaica, British West Indies, and a subject of Great Britain, who last entered the United States on April 27, 1947, as a visitor. In 1948, she was married to a United States citizen who died in 1953, following a long illness. During this time, the beneficiary used her earnings for his medical care. She is employed as a cook and general housekeeper, and also earns a small salary as an insurance agent. The beneficiary enjoys an excellent reputation in the community in which she resides.

A letter, with attached memorandum, dated April 12, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 12, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3147) for the relief of Elsie M. Kenney, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Jamaica, a subquota of Great Britain.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATIGN SERVICE FILES RE ELSIE M. KENNEY, BENEFICIARY OF S. 3147

Elsie Kenney, nee Hilton, formerly Maynier, a British subject, was born on April 2, 1905, in Jamaica, British West Indies. She is a widow and resides at 80 Sickles Avenue, New Rochelle, N. Y. She is employed as a domestic servant by Mr. Irving Easton, 1357 Flagler Drive, Mamaroneck, N. Y. Her earnings are approximately $3,000 annually and her assets consist of real estate in Jamaica, British West Indies, valued at $10,000 and personal effects valued at $1,500. Her only close relatives are two daughters of her first marriage which was terminated by divorce in 1935. Both daughters are British subjects and residents of Jamaica, British West Indies.

The beneficiary's only entry into the United States occurred at Miami, Fla, on April 27, 1947, at which time she was admitted as a visitor for a period of 6 months. She received one extension to April 26, 1948. A warrant of arrest in deportation proceedings was issued on January 27, 1949, on the ground that, after admission as a visitor, she had remained longer than lawfully permitted. Following a hearing, an order was entered on June 30, 1952, granting her suspension of deportation. However, such action failed of Congressional approval. A further application for suspension of deportation was denied on July 14, 1955, and an order was entered granting her voluntary departure with the alternative of deportation if she failed to depart. An appeal from this order was dismissed by the Board of Immigration Appeals on January 12, 1956.

Senator Herbert H. Lehman, the author of the bill, submitted the following information in support of the bill:

STATEMENT IN SUPPORT OF S. 3147

Name: Elsie Maynier Kenney, born Elsie Ethelind Solomon Hylton.

Date and place of birth: April 2, 1905, at Jamaica, British West Indies.

1. Present address, activities, mode of support

Present address: 80 Sickles Avenue, New Rochelle, N. Y.

Activities and mode of support: I am employed as a domestic by Mrs. Milton Heimlich, 65 Echo Bay Drive, New Rochelle, N. Y., earning $35 a week, including meals. I am also an insurance agent for the Unity Insurance Association, 261 West 125th Street, New York, N. Y., earning approximately $300 a year. This small business I have carried on since approximately 1949. I have been steadily employed in the United States since April 1949.

On October 30, 1948, at New Rochelle, N. Y., I married Frederick Douglas Kenney, a citizen of the United States, who was born at New Rochelle, N. Y., on June 2, 1895. There are no children of said marriage. My said husband died on June 20, 1953.

I have two children born of a previous marriage, Mrs. Helen Maynier Owen, and Mrs. Shirley M. Burke, both of whom reside in Jamaica, British West Indies. I divorced my former husband, Earle Anthony Maynier, in 1935.

I am, and since March 1955, have been a member of the National Association for the Advancement of Colored People. In Jamaica, British West Indies, I was a member of the Peoples National Party from 1944 to 1947.

2. Circumstances concerning entry into the United States

My only entry into the United States was on April 27, 1947, at Miami, Fla., by plane. I entered as a visitor under section 3 (2) of the Immigration Act of 1924 with visa No. 1175 issued by the American consul at Kingston, Jamaica, on April 9, 1947, which was valid for 12 months. I was admitted for a period of 6 months. I held at that time British passport, and now hold British passport valid to March 20, 1957. I do not know the number of my entry permit since this has been in the possession of the Immigration and Naturalization Service.

3. Present immigration status—File No. A-6772030

My original stay was extended to April 26, 1948. I believe that I applied for and received a further extension of my stay to October 26, 1948. However, I understand that this latter extension is not borne out by the official record.

A short time after my marriage on October 30, 1948, I applied for suspension of deportation on the ground that my deportation would result in serious economic detriment to my citizen husband. This application was granted by the Immigration and Naturalization Service on June 30, 1952, and my case was referred to the Congress. While my case was pending before the Congress my husband died and

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since my application for suspension was based upon the serious economic detriment to my husband, the Congress was compelled to reject my case.

I thereafter applied for suspension of deportation under section 244 (a) (1) of the Immigration and Nationality Act on the basis of my residence of over 7 years in the United States and the hardship which my deportation would entail to me. After a hearing this application was denied by the Special Inquiry Officer on the ground that the hardship was not sufficient to warrant the granting of suspension of deportation. This decision was affirmed by the Board of Immigration Appeals, which granted me voluntary departure, as had the Special Inquiry Officer.

4. Specific reasons for desiring permanent residence status

Shortly after my marriage to Frederick Douglas Kenney, on October 30, 1948, I went to the Immigration and Naturalization Service and requested permission to remain in the United States over the Christmas holidays before going back to Jamaica for a visa. I was advised by the person behind the information desk that since I was married to an American citizen I was eligible for suspension of deportation and that I would therefore be able to adjust my immigration status without leaving the United States. Since this method was proposed to me by the Immigration and Naturalization Service, I naturally assumed that it would be better for me to follow their advice rather than to return to Jamaica for a nonquota immigration visa as the wife of an American citizen. As a matter of fact I could at any time until December 24, 1952, when the Immigration and Nationality Act went into effect, have obtained a nonpreference immigration visa, since the British quota was undersubscribed and Jamaica came under that very large quota.

Unfortunately, it took the Immigration and Naturalization Service 3½ years to process my case, and a year thereafter, while my case was still pending before the Congress, my husband died.

Had I followed my original inclination and returned to Jamaica for a nonquota immigration visa in the early part of 1949, I would have reentered the United States as a legal resident within a few months and the death of my husband would not have adversely affected my status.

Now I can no longer avail myself even of the remedy which I could have had as a single woman up until December 24, 1952, namely, a nonpreference immigration visa, since the Immigration and Nationality Act has limited the Jamaica quota to 100, which is vastly oversubscribed.

In the intervening years I worked hard and lightened the burden of my husband. He was a sick man a large part of the time. I was employed during the entire period of my marriage and whenever I was able to save a few dollars it would immediately go for medical expenses for him. And as a result of his last illness and funeral, everything I had been able to save was wiped out and I was left entirely without funds upon his death.

During all this period I became assimilated into our American life and came to feel that my roots were firmly planted in this country. I had a feeling of security which could only come from belonging and I felt that I belonged here.

My work is here, my home is here, my friends are here, and I would be a stranger if I were to return to Jamaica.

5. I have never been arrested or convicted of any offense under the Federal or State law either in this country or elsewhere.

6. I have never been engaged in any activities which might be interpreted or alleged to be injurious to the American public.

I respectfully pray that my application will be given due consideration and that I will be enabled to remain in this country, which I have grown to love.

Dated New Rochelle, N. Y., February 10, 1956.

Respectfully submitted.

ELSIE M. KENNY.

MAMARONECK, N. Y., *March 14, 1956.*

Hon. HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: Mrs. Elsie Kenny has been employed by me since March 1, 1956, as a cook-general houseworker at a salary of $45 per week. To the best of my knowledge she is a person of refinement, intelligence, and integrity.

Yours very truly,

ELINOR J. EASTON,
Mrs. David Easton.

NEW ROCHELLE, N. Y., *March 13, 1956.*

Hon. HERBERT H. LEHMAN,
Senate Office Building, Washington, D. C.

DEAR SIR: I have known, Mrs. Elsie Kenney, a resident of 80 Sickles Avenue, New Rochelle, N. Y., for 5 years.

My statements are factual since I knew her late husband, Frederick Kenney, for 20 years prior to his death in June of 1953.

Mrs. Kenney is a reputable resident of New Rochelle. She has proven herself to be self-supporting and certainly assumed the responsibility of her late husband during his long illness. I served her as a funeral director and personally know that she paid for the funeral expenses incurred for said Frederick Kenney. She is honest and trustworthy and has an aspiration toward progressive living.

She has continued to be self-supporting; I believe she deserves every opportunity and consideration in her endeavor.

Very truly yours,

BARNEY T. MCCLANAHAN,
Funeral Director.

THE UNITY LIFE
& ACCIDENT INSURANCE ASSOCIATION,
JOSEPH BECK AGENCY,
New York, N. Y., March 20, 1956.

Hon. HERBERT H. LEHMAN,
Senate Office Building, Washington, D. C.

DEAR SIR: Mrs. Elsie Kenney, of 80 Sickles Avenue, New Rochelle, N. Y., has been in our employ, as an insurance agent for 5 years.

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I have found her to be an honest, conscientious, and a trustworthy person.

I will be glad to furnish any information that may be desired.

Yours very truly,

BARBARA BECK, *Manager.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3147) should be enacted.

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Calendar No. 2001

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1984

WILLIAM J. ROBERTSON

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1471]

The Committee on the Judiciary, to which was referred the bill (H. R. 1471) for the relief of William J. Robertson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay William J. Robertson the sum of $1,590.82 in full settlement of all claims against the United States for payment for damages to his personal effects sustained when those effects were being shipped on the steamship *Alaska* at Government expense, and that ship was stranded at Cordova, Alaska, on February 2, 1947.

STATEMENT

Mr. Robertson's effects were shipped on Government bill of lading and routed to Nome, Alaska, en route to a new station to which he and his wife were assigned as employees of the Alaska Native Service. The new station was at the Eklutna Vocational School at Seward, Alaska. The Robertsons understood that their property would be carried from Nome to Seward by the motorship *North Star*, a Government vessel. However the shipment missed the *North Star*, and was put aboard the steamship *Square Knot* operated by the Alaska Steamship Co. A maritime strike interfered with the schedule of the steamship *Square Knot* and it tied up at Seattle, Wash., instead of proceeding to Seward, Alaska. After some delay the shipment was forwarded

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from Seattle to Seward aboard the steamship *Alaska* also operated by the Alaska Steamship Co., on January 27, 1947. On February 2, 1947, the steamship *Alaska* went on the rocks near Cordova, Alaska, and took water into the cargo holds. This water in the holds caused the damage to the personal effects for which this legislation would provide reimbursement. The property was returned to Seattle and Mrs. Robertson went there at her personal expense and went through the items. She was able to salvage about half of the shipment.

The United States Department of the Interior has submitted a report to the committee recommending that the bill be enacted. The committee agrees that this bill should receive favorable consideration. As observed in the report of the Department of the Interior, the effort made by the Robertsons to salvage their property had the effect of reducing the net amount of the claim against the Government. The report of the Department and the affidavit and documents submitted by Mr. Robertson in support of his claim are appended to this report and more fully set forth the facts concerning the claim.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., December 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: Your committee has requested a report on H. R. 1471, a bill for the relief of William J. Robertson.

We recommend that the bill be enacted.

The bill provides for payment of $1,590.82 to William J. Robertson representing reimbursement for loss of, and expenses incurred in the salvage of personal effects which were included in the cargo of the steamship *Alaska* when that ship was stranded at Cordova, Alaska, on February 2, 1947.

Mr. Robertson and his wife had been employed since 1941 by the Bureau of Indian Affairs as plant operator and teacher, respectively, at the White Mountain Vocational School, White Mountain, Alaska. In 1946, they were transferred to the Eklutna Vocational School, Seward, Alaska, at Government expense. Their personal effects were shipped on Government bill of lading and routed to Nome, Alaska, to be picked up there by the Bureau-operated *North Star*.

However, the shipment missed the *North Star* and was put aboard *Square Knot* operated by the Alaska Steamship Co. A maritime strike was called and instead of proceeding to Seward, the steamship *Square Knot* tied up in Seattle until sometime in December 1946. On January 27, 1947, the shipment was forwarded from Seattle to Seward aboard the steamship *Alaska* operated by the Alaska Steamship Co. as agent for the United States Maritime Commission. At approximately 6 a. m. on February 2, 1947, the steamship *Alaska* went on the rocks near Cordova, Alaska, taking water into the cargo holds. After repairs at Cordova, the steamship *Alaska* returned to Seattle with damaged cargo, including the shipment here involved.

Mrs. Robertson proceeded to Seattle at personal expense arriving on February 24, 1947, located and identified the shipment at pier 58,

had the goods removed to the Bell Street dock where she repacked the salvageable items and shipped them to Guerneville, Calif., since there was no place at the Bell Street dock where she could work. She was thereby able to salvage about half of the shipment. Mr. Robertson submitted a claim for the damage to the Alaska Steamship Co. and payment was declined by that company as agent for the United States Maritime Commission under the provisions of the war shiplading contract.

It should be here noted that Mr. Robertson had understood that shipment from Nome to Seward would be on the *North Star* operated by the Bureau of Indian Affairs, but the shipment was laden aboard the steamship *Alaska* at the election of Bureau employees without the knowledge of Mr. Robertson. Mr. Robertson has stated that, had he known the shipment was to be so handled, he would have provided marine insurance coverage.

A claim for the damage was presented to the Bureau of Indian Affairs, but there was no appropriation available from which payment could be made. The case was referred to the General Accounting Office and on November 24, 1953, the Comptroller General advised Mr. Robertson (in part) that "there is no appropriation for the payment of claims for damages such as here involved."

The itemized claims are shown in exhibits A and B which are enclosed. Exhibit A is based on current replacement prices of the items destroyed. Exhibit B shows actual expenses incurred in salvaging the property. Inasmuch as such expenses resulted in the salvage of about half of the shipment, and the property salvaged was presumably worth considerably more than the cost of salvage, thus reducing the net amount of the claim against the Government, reimbursement for those expenses seems reasonable.

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

D. Otis Beasley,
Administrative Assistant Secretary of the Interior.

Exhibit A

The following is a list of items spoiled due to rust, mold dye, pitting, etc., when our freight was submerged when the steamship *Alaska* went on the rocks at Cordova the first week in February 1947. Only items that were in good condition prior to shipping are recorded below, and the prices listed are the value of the items obtained from current catalogs and present store prices.

Item	*Replacement value*
1 wardrobe trunk, 4 drawers (graduated size), shoebox, 10 hangars, metal reinforced	$77. 98
1 Voightlander camera, 3.5 lense, 1/500	50. 00
1 carrying case for above camera, leather	9. 95
1 filter lens and sunshade above camera	4. 50
1 tan woolen sweater	4. 95
1 navy blue woolen sweater	3. 95
1 green rayon dress	11. 95
1 blue dress, gabardine	15. 95
1 rose rayon, silk dress	14. 95
1 green all-wool dress	34. 00
1 antitarnish silver chest with extra drawer	15. 00

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Item	Replacement value
1 pair brown calfskin shoes	$10. 50
1 pair brown wedge heel shoes	6. 95
1 pair tan spectator pumps	7. 95
1 bed jacket, quilted	4. 95
1 satin down comforter	37. 50
1 steam iron, full automatic (dry or steam)	20. 10
1 scales, bathroom	6. 95
1 Eskimo doll	10. 00
1 pineapple grass tablecloth, 8 napkins	35. 00
1 banquet-size linen embroidered tablecloth, 12 napkins	45. 00
2 pairs monks cloth drapes 2¼-yard length, at $7.98	15. 96
1 pair model snowshoes	10. 00
2 pairs lace curtains, at $5.95	11. 90
1 lace tablecloth (manufactured)	8. 95
1 Afghan, wool, handmade	30. 00
1 double-bed chenille spread	15. 00
2 100 percent virgin wool double blankets, at $15	30. 00
1 caribou-beaded knitting bag, silk lined	10. 00
2 photograph albums, at $2.50	5. 00
1 Webster's abridged dictionary, clothbound	5. 00
5 novels averaging $3 each	15. 00
1 fur mits, lynx and moose skin (ladies)	10. 00
1 creamer and sugar bowl, silver-plate (pitted)	8. 95
1 sterling bon-bon dish (pitted)	9. 95
14 rolls Kodachrome, at $3.75 (cost of film, actual pictures can never be replaced) 8-millimeter movie	52. 50
25 rolls film, printing and developing, at $1	25. 00
Silverware, Reed & Barton (out of 139 pieces of silverware, the following are all that need to be replaced because of pitting):	
9 table knives, at $2 (dinner)	18. 00
1 carving knife	6. 00
2 tablespoons, at $1.50	3. 00
11 teaspoons, at 75 cents	8. 25
5 table forks (dinner), at $2	10. 00
4 double bedsheets, at $2.95	11. 80
1 pair hand-embroidered pillowcases	3. 95
8 guest towels, embroidered, at $1.25	10. 00
1 satin and lace bed jacket	5. 95
1 Atna screw set	5. 00
12 volumes Applied Electricity	28. 00
1 Ithaca double-barrel 12-gage shotgun, sporting model	70. 00
1 pair lynx-paw fur mittens (men)	15. 00
1 pair woolen breeches	15. 95
1 knee-length fancy fur mukluks	25. 00
1 pair moose-skin beaded moccasins	10. 00
1 raincoat (rusted by metal buttons)	8. 00
1 radio amateur handbook	1. 00
1 radio amateur handbook, questions and answers	. 25
6 boxes shotgun shells, 12-gage, 4 chilled	12. 00
1 fly-fishing rod, metal	10. 89
1 fishing box, metal, containing spinners, hooks, and flies	10. 00
1 fishing reel	5. 00
1 code oscillator	8. 00
1 set, radio headphones	10. 00
Total, exhibit A	1, 002. 33

NOTE.—While the tools in the tool chest were rusted, by soaking them in oil and then polishing them with an electric buffer, they are usable, and so no claim for them is being listed.

EXHIBIT B

The following is a true itemized account of my personal expenses in the above-mentioned trip to claim my freight and to salvage it:

Transportation expenses:	
Seaward to Anchorage (train)	$7. 90
Anchorage to Juneau (plane)	80. 00
Juneau to Seattle and return (plane)	155. 00
Seattle to San Francisco and return (plane)	67. 30
Juneau to Anchorage (plane)	80. 00
Anchorage to Seward (plane), train schedule twice week only	16. 10
Hotel rates:	
Anchorage, 1 night	3. 50
Juneau, 1 night	4. 00
Seattle, 2 nights	6. 00
Seattle, 1 night (return)	3. 50
Juneau, 1 night (return)	4. 00
Anchorage, 3 nights (return) (unable to return to Seward because of unfavorable weather; no trains scheduled)	11. 25
Meals: 9 days en route, meals averaging minimum $3 daily	27. 00
Taxi fares (itemized): Anchorage, station to hotel, $1; hotel to airfield, $1.50; Juneau, airfield to hotel, $1.50; hotel to airfield, $1.50; Seattle, field to hotel, $0.90; business to dock and return, $1.60; hotel to airfield, $0.90; San Francisco, airfield to San Francisco, $1.60; return trip, Seattle, airfield to hotel, $0.90; hotel to airfield, $0.90; Juneau, airfield to hotel, $1.50; hotel to airfield, $1.50; Anchorage, airfield to hotel, $1.50; hotel to Merrill Field (2 trips because 1st day airplane able to get only part way to Seward, poor flying weather), $3; total taxi	19. 80
Express:	
Personal effects from Seattle to Santa Rosa, Calif., on 911 pound freight, plus tax	50. 39
Charges on trucking above freight (expressed from Seattle) to Guerneville from Santa Rosa (nearest express point)	10. 00
Cleaning bill	7. 25
Laundry bill	6. 75
French laundry bill	3. 75
Restoration of sterling silver French beveled hand mirror	10. 00
Restoration of 3 diplomas and sheepskins	15. 00
Total, exhibit B	588. 49
Grand total, exhibits A and B	1, 590. 82

I certify the foregoing and above to be a true and correct statement to the best of my knowledge.

EDITH N. ROBERTSON,
ANS Teacher, Seward, Alaska.

Dated this 24th day of April 1947.

EXHIBIT A

AN AFFIDAVIT

During the summer of 1946, I, William J. Robertson, and my then wife, Edith N. Robertson, now known as Edith N. Coon of Guerneville, Calif., were transferred from the White Mountain Vocational School, White Mountain, Alaska (where we had been employed by the Alaska Native Service since 1941 as plant operator and teacher, respectively) to the Eklutna Vocational School, Seward, Alaska, at Government expense. Our personal effects, exceeding that allowed by air, were to be shipped, at the request of the ANS (Alaska Native Service) at Government expense on the Government boat, the motorship *North Star*. We received information that the *North Star* would

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stop at Nome, Alaska, on her way south so our freight was shipped by riverboat to Golovin, Alaska, and then by the mail boat at Nome on a GBL (Government bill of lading). Our trunk, two large packing boxes, and a tool chest addressed to us at Seward were marked: "Ship Via *North Star*."

On December 7, 1946, the *North Star* arrived at Seward, but our personal effects were not on board. Mr. Lawrence, principal of Eklutna, wired an ANS representative, Mrs. Burley, at Nome, requesting information concerning why our freight was not aboard. The reply from Nome stated that the freight in question had left Nome in September 1946, on the Alaska Steamship Co.'s boat, the *Square Knot*.

During this period, from about September 10 and until the middle of December 1946, all Alaska Steamship Co. boats were tied up in Seattle, Wash., due to the maritime strike.

On December 12, 1946, Mr. Lawrence received a wire from the assistant superintendent, ANS, Juneau, Alaska, advising that Robertson's personal belongings would not be unloaded from the *Square Knot* in Seattle for at least 10 days and would be forwarded when possible, that their supplies were shipped from Nome on the *Square Knot* with the belief that they would reach Seward sooner than if shipped from Nome on the *North Star*.

When, by January 30, 1947, our personal belongings had not arrived at Seward, Alaska, a wire was sent to Mr. J. J. Lichtenwalner, Seattle purchasing agent for the ANS at Seattle, Wash., requesting information concerning the goods. On January 31, 1947, a reply was received stating that our personal effects had been forwarded January 27, 1947, on the Alaska Steamship Co.'s boat the Steamship *Alaska*.

Believing that our personal effects were to be shipped from Nome on a Government boat to Seward, we did not insure them. However, had we known that they were to be shipped to Seattle from Nome for reshipping to Seward (southbound boats do not stop at Seward from Nome) on an Alaska Steamship Co. boat, full insurance coverage would have been placed on all our personal effects at our own expense.

The steamship *Alaska* with our freight aboard went on the rocks at Cordova, Alaska. Due to this accident, hold No. 1 was flooded with water, and hold No. 2 was flooded to about 9 feet in depth. After several days part of the total freight aboard the steamship *Alaska* was transferred at Cordova to the *Terminal Knot* and sent to Seward. It took several more days to unload the *Terminal Knot* at Seward and during that time we were unable to find out from any of the ASS Co. (Alaska Steamship Co.) employees if our freight was aboard or on the steamship *Alaska* (being repaired in Cordova for the trip back to Seattle). When the *Terminal Knot* finally was unloaded our freight was not aboard. A wire was sent immediately to the ASS Co. agent at Cordova, Alaska, advising disposition of our freight. The reply received stated that only damaged goods were aboard her (the *Alaska*) all being returned to Seattle, Wash. Another wire was sent to the general superintendent of the ANS, Juneau, Alaska, asking if the goods could be intercepted there because if immediate action were to be taken, some salvage might be possible. This message was sent on to Mr. Lichtenwalner in Seattle, Wash., who contacted the ASS Co. agent who advised that the ship would not stop at Juneau and that the cargo could not be worked to find any particular items.

On February 21, 1947, we received this last information, and on February 22, 1947, my wife left Seward for Seattle at personal expense (see exhibit B, attached) to attempt salvage of our goods.

She arrived in Seattle the night of February 24, 1947, and on the morning of the 25th, went to Mr. Lichtenwalner's office where she was told that she would probably find our freight on the Bell Street dock. On arriving at the Bell Street dock she could not find our freight, so a Mr. Reed, Department of the Interior, Bell Street dock, took her to pier 58 where she was obliged to identify our freight because identification tags were not legible. The freight was then taken to the Bell Street dock where she opened one of the boxes, discarding many articles completely ruined by the salt water, repacked articles she believed could be saved into a dry box, and since she had no place to work in Seattle, or anything to work with to attempt the salvage, she expressed the repacked box, the trunk, the other box, and the box of tools to her home in California at personal expense (see exhibit B). On February (the date not exactly to be recalled) this shipment arrived at her home in Guerneville, Calif., where her parents, Mr. and Mrs. L. T. Grider, helped her with the salvage and who can verify as to the condition in which this freight arrived.

By unpacking all things immediately, sending linens, clothing, etc., to the laundry and cleaners, she was able to salvage about half of the freight. Many of our possessions lost were of sentimental value, and money cannot replace them. Those items that were ruined beyond use and which can or could be replaced are listed below:

	Replacement value
1 wardrobe trunk (4-drawers, graduated size), shoe box, 10 hangers, metal reinforced	$77.98
1 Voigtlander camera with 3.5 lens, 1/500	50.00
1 carrying case for above camera, leather	9.95
1 filter lens and sunshade for above camera	4.50
1 tan woolen sweater	4.95
1 navy blue woolen sweater	3.95
1 rayon dress, color green	11.95
1 gabardine dress, color blue	15.95
1 rayon-silk dress, color rose	14.95
1 all-wool dress, color green	34.00
1 antitarnish silver chest with extra drawer	15.00
1 pair of brown calfskin shoes	10.50
1 pair of brown wedge-heel shoes	6.95
1 pair tan spectator pumps	7.95
1 bed jacket, quilted	4.95
1 satin down comforter	37.50
1 steam iron, full automatic (dry or steam)	20.10
1 bathroom scales	6.95
1 eskimo doll	10.00
1 pineapple grass tablecloth and 8 napkins	35.00
1 banquet-size linen embroidered tablecloth and 12 napkins	45.00
2 pair of monks cloth drapes, 2½-yard length, at $7.98	15.96
1 pair model snowshoes	10.00
2 pair of lace curtains, at $5.95	11.90
1 lace tablecloth (manufactured)	8.95
1 Afghan, wool, handmade	30.00
1 double-bed size, chenille spread	15.00
2 100-percent virgin wool double blankets, at $15	30.00
1 caribou beaded knitting bag, silk lined	10.00
2 photograph albums, at $2.50	5.00
1 Webster's abridged dictionary, clothbound	5.00
5 novels, averaging $3 each	15.00
1 pair fur mitts, lynx and moose skin (ladies)	10.00
1 creamer and sugar bowl, silver plate (pitted)	8.95

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	Replacement value
1 sterling bon-bon dish (pitted)	$9.95
14 rolls Kodachrome film, at $3.75 (actual cost), pictures can never be replaced, 8-millimeter movies	52.50
25 rolls film, printing and developing, at $1	25.00
Silverware, all Reed & Barton (out of 139 pieces of silverware, the following are all that needed replacement because of pitting):	
9 table knives, at $2 (dinner)	18.00
1 carving knife	6.00
2 tablespoons, at $1.50	3.00
11 teaspoons, at $0.75	8.25
5 table forks (dinner), at $2	10.00
4 double-bed sheets, at $2.95	11.80
1 pair hand-embroidered pillowcases	3.95
8 guest towels, embroidered, at $1.25	10.00
1 satin and lace bed jacket	5.95
1 Atna screw set	5.00
12 volumes, Applied Electricity	28.00
1 Ithaca double-barrel 12-gage shotgun, sporting model	70.00
1 pair lynx-paw fur mittens (men)	15.00
1 pair woolen breeches	15.95
1 pair knee-length fancy fur Mukluks	25.00
1 pair moose-skin beaded moccasins	10.00
1 raincoat (rusted metal buttons)	8.00
1 radio amateur handbook	1.00
1 radio amateur handbook, questions and answers	.25
6 boxes shotgun shells, 12-gage, No. 4 choke	12.00
1 fly fishing rod, metal	10.89
1 fishing box, metal, containing spinners, hooks, and flies	10.00
1 fishing reel	5.00
1 code oscillator	8.00
1 set radio headphones	10.00
Total damages to personal effects to be replaced	1,002.33
Claim for expenses incurred in connection with locating, claiming, and salvaging personal effects as per exhibit B attached hereto	588.49
Grand total of amount claimed	1,590.82

NOTE.—While the tools in the tool chest were rusted, by soaking them in oil and then polishing them with an electric buffer, they were usable and no claim is made for them.

From the time of these losses suffered by me and until the present date, I have endeavored to effect a settlement of my claims. I first made claim to the Alaska Steamship Co. and under date of February 4, 1948, they advised as being an agent for the United States Maritime Commission acting for the United States of America they declined liability for my claim under the provisions of their war shiplading contract and that the loss of or to cargo on this specific instance of the stranding of the steamship *Alaska* was considered a marine peril under which the carrier could admit no liability. On April 16, 1953, I wrote to the Bureau of Indian Affairs, Alaska Native Service, Juneau, Alaska, in connection with this matter and received a letter to the effect that upon submission of certain required documents, my claim would be submitted to Washington, D. C., for review. The required papers were furnished by me and the entire matter was subsequently transmitted to Washington, D. C., where under date of August 14, 1953, the Bureau of Indian Affairs transmitted the matter to the General Accounting Office for examination and possible settlement. Under date of November 24, 1953, in a letter from the General Accounting Office, I was advised that there was no appropriation for the payment of claims for damages such as was submitted by me.

Since the date of loss of personal effects and this affidavit, my former wife and I have divorced, she having under date of May 28, 1953, executed a transfer of all her share in this claim to me. An executed copy of this document is attached hereto.

Now therefore, I, William J. Robertson, of Hoopa, Calif., formerly of Seward, Alaska, and Mount Edgecombe, Alaska, being one and the same party and who herein claims damages as heretofore set forth in this document entitled "Exhibit A" and the attached papers, do hereby certify that the statements and facts as listed herein are correct and true to the best of my knowledge and belief, so help me God.

Signed this 13th day of March 1954, at Hoopa, Calif.

WILLIAM J. ROBERTSON.

STATE OF CALIFORNIA,
County of Humboldt, Hoopa, Calif., ss:

I, Ernest C. Marshall, the undersigned notary public in and for the State of California residing at Hoopa, Calif., hereby certify that the above-named, William J. Robertson personally appeared before me and acknowledged the signing and sealing of the within instrument to be his free act and deed.

Signed this 13th day of March 1954.

[SEAL] ERNEST C. MARSHALL,
Notary Public, Residing at Hoopa, Calif.

My commission expires April 26, 1956.

To Whom It May Concern:

I, the undersigned, Mrs. Edith N. Coon, of Guerneville, Calif., formerly known as Mrs. Edith N. Robertson, of Wrangell, Alaska, do hereby waive in favor of William J. Robertson of Hoopa, Calif., formerly of Mount Edgecumbe, Alaska, my claim to damages suffered in connection with the loss and damage of and to personal effects and household items shipped (at Government expense on official change of station) on the steamship *Alaska*, voyage MC–63) said damage occuring when this ship was wrecked on February 2, 1947, at approximately 6 a. m., a claim having previously been made and signed by me and which has not been acted upon.

I do hereby execute this waiver and quit all claim against the responsible parties on my part, said waiver and quitclaim being hereby transferred to William J. Robertson, now residing in California.

Signed this 28th day of May 1953, at Guerneville, Calif.

(Mrs.) EDITH N. ROBERTSON
(*Now known as Edith N. Coon*).

STATE OF CALIFORNIA,
County of Sonoma, ss:

I, Anita M. Wickham, the undersigned notary public in and for the State of California, residing at Guerneville, hereby certify that the above-named Edith N. Robertson, also known as Edith N. Coon, appeared personally before me on this date and acknowledged the execution thereof.

Signed this 28th day of May 1953.

[SEAL] ANITA M. WICKHAM,
Notary Public.

My commission expires April 4, 1955.

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EXHIBIT B

Claim for expenses incurred in travel, etc., to claim personal belongings and attempt to salvage same (itemized)

Transportation expenses:	
Seward, Alaska, to Anchorage, Alaska, via train	$7.90
Anchorage, Alaska, to Juneau, Alaska, via plane	80.00
Juneau, Alaska, to Seattle, Wash. and return via plane	155.00
Seattle, Wash., to San Francisco, Calif and return via plane	67.30
Juneau, Alaska, to Anchorage, Alaska, via plane	80.00
Anchorage, Alaska, to Seward, Alaska, via plane (trains scheduled twice a week only)	16.10
Hotel rates:	
Anchorage, Alaska, 1 night	3.50
Juneau, Alaska, 1 night	4.00
Seattle, Wash., 2 nights	6.00
Seattle, Wash., 1 night (on return)	3.50
Juneau, Alaska, 1 night (on return)	4.00
Anchorage, Alaska, 3 nights (unable to return to Seward because of unfavorable weather, no trains scheduled)	11.25
Meals: 9 days en route, meals averaging minimum of $3 daily	27.00
Taxi fares, itemized: Anchorage, Alaska, station to hotel, $1; hotel to airfield, $1.50; Juneau, Alaska, airfield to hotel, $1.50; hotel to airfield, $1.50; Seattle, Wash., airfield to hotel, $0.90; business to dock and return, $1.60; hotel to airfield, $0.90; San Francisco, Calif., airfield to downtown San Francisco, $1.60; return trip to Seattle, airfield to hotel, $0.90; hotel to airfield, $0.90; Juneau airfield to hotel, $1.50; hotel to airfield, $1.50; Anchorage, airfield to hotel, $1.50; hotel to Merrill Field (2 days because 1st day plane had to return to Anchorage because of bad weather), $3.	
Total claimed for taxi fares	19.80
Express charges: Shipping personal effects from Seattle, Wash., to Santa Rosa, Calif., 911 pounds freight, plus tax	50.39
Charges on trucking above freight from Santa Rosa, Calif., to Guerneville, Calif., nearest express point	10.00
Cleaning bill	7.25
Laundry bill	6.75
French laundry bill	3.75
Restoration of sterling silver French beveled hand mirror	10.00
Restoration of 3 diplomas and sheepskins	15.00
Total of exhibit B	588.49

I, William J. Robertson, do hereby certify that the foregoing is correct and true to the best of my knowledge and belief.

WILLIAM J. ROBERTSON,
Hoopa, Calif.

MARCH 13, 1954.

SETTLEMENT CERTIFICATE

GENERAL ACCOUNTING OFFICE,
Washington, D. C., November 24, 1953.

MR. WILLIAM J. ROBERTSON,
Hoopa, Calif.

SIR: Your claim in the amount of $1,590.82 for losses alleged to have been sustained due to damages to your personal property and household effects shipped at Government expense on the steamship *Alaska*, incident to a change of official duty station as an employee of the Department of the Interior, Alaska Native Service, which ship was wrecked on February 2, 1947, has been carefully examined and it

is found that no part thereof may be allowed for the reasons hereinafter stated.

Section 3678, Revised Statutes, provides that appropriations for the various branches of expenditures in the public service are required to "be applied solely to the objects for which they are respectively made, and for no others." There is no appropriation for the payment of claims for damages such as here involved.

I therefore certify that no balance is found due you from the United States.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.
By E. F. BLOOMINGBURG.

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Calendar No. 2002

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1985

MRS. GERTRUD MARIA SCHURHOFF

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1878]

The Committee on the Judiciary, to which was referred the bill (H. R. 1878) for the relief of Mrs. Gertrud Maria Schurhoff, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Gertrud Maria Schurhoff. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The bill also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is an 86-year-old native of Germany and citizen of Great Britain who last entered the United States on November 11, 1953, as a visitor. The beneficiary is a widow and has 2 sons, 1 of whom resides in England, and the other who is a lawful permanent resident of this country. The beneficiary states that her son in England is unable to support her and that she wishes to remain with her son in this country who is willing and able to provide for her needs.

A letter, with attached memorandum, dated August 10, 1954, to the then chairman of the Committee on the Judiciary of the House

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of Representatives from the Commissioner of Immigration and Naturalization with reference to H. R. 9219, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9219) for the relief of Gertrud Maria Schurhoff, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New Orleans, La., office of the Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee provided that a suitable bond or undertaking, approved by the Attorney General, is deposited guaranteeing the United States, its territories, and subdivisions, against the beneficiary becoming a public charge. It would also direct that one number be deducted from the appropriate immigration quota. The beneficiary is chargeable to the quota of Germany.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUD MARIA SCHURHOFF, BENEFICIARY OF H. R. 9219

Gertrud Maria Schurhoff, nee Schottmiller, was born in Rastenburg, Germany, October 26, 1868, and is a British citizen through marriage to a naturalized citizen of Great Britain. She went to England to live in 1899 and has continuously resided there since that time with the exception of visits. Her last address before coming to the United States was Fendley House, Tring, Herts., England. She has entered the United States on only two occasions, first on September 22, 1951, as a visitor when she remained until June 11, 1952. Her last entry was at New York, N. Y., November 11, 1953, when she was admitted as a visitor for a period to expire May 10, 1954. This period of admission has been extended to expire November 10, 1954. She now states that at the time of her last entry it was her intention to remain permanently in the United States, but that due to her advanced age (85), and lack of understanding of regulations, she, apparently, did not make her intentions clear to the American Embassy officials in London.

Mrs. Schurhoff's only marriage was to Gustav Schurhoff who died in 1936. She has two sons, both of whom were born in England. One of these, Alfred Scott-Gunter (name changed by court order) resides in England, and the other, Gerhart W. Schurhoff, resides with her at 618 Governor

Nicholls Street, New Orleans, La. He was born in England February 4, 1904, and has resided in the United States since September 30, 1950, at which time he was legally admitted for permanent residence.

Mrs. Schurhoff owns no property and has no income of her own. She states that her son in England is unable to support her, but her son who resides here, and who is unmarried, is willing and able to support her and she, therefore, desires te remain in the United States with him.

Her son, Gerhart Schurhoff, states that he is willing to post a suitable bond, or other undertaking, to insure against his mother becoming a public charge in the United States.

Congressman Hale Boggs, the author of the bill, wrote to the chairman of the Senate Judiciary Committee on April 25, 1956, in connection with the bill, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 25, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing herewith a copy of H. R. 1878, and the House report thereon.

This bill, of which I am the author, passed the House of Representatives on July 19, 1955.

I feel that this is a very deserving case in that the beneficiary of my bill, Mrs. Gertrud Maria Schurhoff, is a widow, 87 years of age, who would like to remain in this country with her son, a naturalized citizen, with whom she presently resides.

I would greatly appreciate the committee giving early consideration to my bill.

Sincerely,

HALE BOGGS, *Member of Congress.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 1878) should be enacted.

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Calendar No. 2006

84TH CONGRESS, 2d Session | SENATE | REPORT No. 1989

COL. HENRY M. ZELLER

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8309]

The Committee on the Judiciary, to which was referred the bill (H. R. 8309) for the relief of Col. Henry M. Zeller, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to reimburse Col. Henry M. Zeller, O16843, Fort Benning, Ga., in the amount of $1,871.43, in full satisfaction of his claim against the United States for the complete destruction of his household goods. The loss occurred while the officer was on active duty with the Army of the United States and while the household goods were bailed to the United States incident to transportation in connection with a permanent change of station of Colonel Zeller.

STATEMENT

The Department of the Army submitted a draft of this bill and recommended its enactment in the amount of $1,871.43.

In its report, the Department of the Army states that in March 1953, Colonel Zeller, who was then stationed at Fort McPherson, Ga., received orders to proceed to Fort Richardson, Anchorage, Alaska. On March 31, 1953, his household goods were packed, crated, and picked up by the North American Van Lines, Inc., at Fort McPherson, to be transported under Government bill of lading to Fort Richardson. On August 6, 1953, at about 9 p. m., when the tractor-trailer trans-

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porting the property had reached a point near Dawson Creek, Canada, the vehicle caught fire and burned completely. It appears that the gas tank overflowed and the exhaust fumes heated the gasoline causing fire. As a result of the fire the entire shipment of household goods belonging to Colonel Zeller was destroyed.

Colonel Zeller submitted a claim under the provisions of the Military Personnel Claims Act of 1945, as amended (31 U. S. C. 222c), for reimbursement in the amount of $25,071.63. After the deduction of insurance and the amount recovered from the carrier, as well as the application of depreciation to the various items of the claim, it has been determined in this Department that the claim was meritorious in the amount of $4,371.43. However, Public Law 439, 82d Congress, dated July 3, 1952 (66 Stat. 321), placed a maximum limitation of $2,500 on the amount which could be paid administratively under the provisions of the Military Personnel Claims Act of 1945, supra, which was the only statute under which the claim could be considered. Accordingly, Colonel Zeller's claim has been allowed administratively in the maximum amount of $2,500. He has not been compensated for the remaining portion of his loss which has been determined by this Department to be $1,871.43. There is no way in which Colonel Zeller can be compensated for this remaining portion of his loss other than through the enactment of special legislation for his relief. The loss occurred incident to his service, while his household effects were bailed to the United States and without any fault or neglect on his part.

The Congress, from time to time, has favorably considered claims of members of the Armed Forces for loss of personal property in excess of the $2,500 limitation placed upon administrative payments under the Military Personnel Claims Act of 1945, supra. Recent cases are Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 933, for the relief of S. Sgt. Frank C. Maxwell (H. R. 7835), all enacted by the 83d Congress. An additional case, S. 3515, for the relief of John B. Gibbons, Jr., was under consideration by the Committee on the Judiciary, United States Senate, at the close of the 2d session of the 83d Congress but was not acted upon.

As stated, the total cost of the bill, if enacted, would amount to $1,871.43.

After consideration of the foregoing facts, the committee is of the opinion that this claim is meritorious and, therefore, recommends that the bill, H. R. 8309, be considered favorably.

Attached hereto and made a part hereof is the report of the Department of the Army, above referred to, in which it recommends enactment of this legislation.

DEPARTMENT OF THE ARMY,
Washington, D. C., August 16, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed herewith a draft of a bill for the relief of Col. Henry M. Zeller. The submission of this proposed legislation is in accordance with procedures approved by the Secretary of Defense.

The purpose of this proposed bill is to reimburse this officer for the complete destruction of his household goods. The loss occurred while the officer was on active duty with the Army of the United States and while the household goods were bailed to the United States incident to transportation in connection with a permanent change of station of Colonel Zeller.

In March 1953, Colonel Zeller, then stationed at Fort McPherson, Ga., received orders to proceed to Fort Richardson, Anchorage, Alaska. On March 31, 1953, his household goods were packed, crated, and picked up by the North American Van Lines, Inc., at Fort McPherson, to be transported under Government bill of lading to Fort Richardson. On August 6, 1953, at about 9 p. m., when the tractor-trailer transporting the property had reached a point near Dawson Creek, Canada, the vehicle caught fire and burned completely. It appears that the gas tank overflowed and the exhaust fumes heated the gasoline causing the fire. As a result of the fire the entire shipment of household goods belonging to Colonel Zeller was destroyed.

Colonel Zeller submitted a claim under the provisions of the Military Personnel Claims Act of 1945, as amended (31 U. S. C. 222c), for reimbursement in the amount of $25,071.63. After the deduction of insurance and the amount recovered from the carrier, as well as the application of depreciation to the various items of the claim, it has been determined in this Department that the claim was meritorious in the amount of $4,371.43. However, Public Law 439, 82d Congress, dated July 3, 1952 (66 Stat. 321), placed a maximum limitation of $2,500 on the amount which could be paid administratively under the provisions of the Military Personnel Claims Act of 1945, supra, which was the only statute under which the claim could be considered. Accordingly, Colonel Zeller's claim has been allowed administratively in the maximum amount of $2,500. He has not been compensated for the remaining portion of his loss which has been determined by this Department to be $1,871.43. There is no way in which Colonel Zeller can be compensated for this remaining portion of his loss other than through the enactment of special legislation for his relief. The loss occurred incident to his service, while his household effects were bailed to the United States and without any fault or neglect on his part.

The Congress, from time to time, has favorably considered claims of members of the Armed Forces for loss of personal property in excess of the $2,500 limitation placed upon administrative paymens under the Military Personnel Claims Act of 1945, supra. Recent cases are Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 933, for the relief of S. Sgt. Frank C. Maxwell (H. R. 7835), all enacted by the 83d Congress. An additional case, S. 3515, for the relief of John B. Gibbons, Jr., was under consideration by the Committee on the Judiciary, United States Senate, at the close of the second session of the 83d Congress but was not acted upon.

The total cost of this bill, if enacted, will be $1,871.43.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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Calendar No. 2009

84TH CONGRESS, 2d Session } SENATE { REPORT No. 1992

MARY A. MOUSKALIS

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 510]

The Committee on the Judiciary, to which was referred the bill (S. 510) for the relief of Mary A. Mouskalis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mary A. Mouskalis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Iran, who last entered the United States on February 11, 1948, as a student. She resides with her mother, father, 3 sisters, and 2 brothers, all of whom were admitted to the United States for permanent residence in 1951. The beneficiary is employed as a waitress and is a part-time student at Indiana University, where she is studying for a degree in education.

A letter, with attached memorandum, dated May 13, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 510) for the relief of Mary A. Mouskalis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hammond, Ind., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As a quota immigrant, Miss Mouskalis would be chargeable to the quota of Iran.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARY ARASTOU MOUSKALIS, BENEFICIARY OF S. 510

The beneficiary, who is unmarried, was born on July 22, 1929, in Kermanshah, Iran. She is a citizen of Iran and last entered the United States at the port of New York on February 11, 1948, as a student.

Deportation proceedings were instituted in April 1954 on the ground that she was excludable at the time of entry as an immigrant not in possession of a valid immigration visa. She was granted voluntary departure but failed to avail herself of this privilege. Warrant of deportation for Miss Mouskalis was issued on September 13, 1954.

Miss Mouskalis presently resides with her parents, 2 sisters and 2 brothers in Hammond, Ind. She testified that she has no close relatives in Iran, and that her parents, sisters, and brothers were all lawfully admitted to the United States for permanent residence. She is employed as a waitress for Stouffers, Chicago, Ill., at a salary of approximately $45 weekly. She is a part-time student at the Calumet Extension of Indiana University, where she is studying for a degree in education and carries a B average.

Senator Alan Bible, the author of the bill, submitted the following information in support of the bill:

UNITED STATES SENATE,
April 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I am addressing this letter to you in reference to my bill S. 510, which I introduced on behalf of Miss Mary Mouskalis and which is pending before your Immigration Subcommittee.

Miss Mouskalis entered this country from Iran on a student's visa in 1948, and she has been in this country ever since. In 1951, her parents, along with her 2 brothers and 2 sisters, entered the country as immigrants under the Russian quota and all now have permanent residence. Her only other relative is an uncle who is a naturalized citizen, residing in Las Vegas, Nev. Miss Mouskalis has no one in Iran to return to.

On January 3, 1956, she applied for suspension of deportation but this was denied on February 23. In view of the fact that administrative relief has been exhausted, the only means of assisting Miss Mouskalis to remain with her family is by means of a private immigration bill. The beneficiary of S. 510 is an individual of good moral character and I have no hesitancy in recommending her to you for favorable consideration.

It is my belief that this is truly a hardship case, inasmuch as Miss Mouskalis has no home or family to return to in Iran, and it is my hope that your subcommittee can see its way clear to taking early and favorable action on my bill.

Thank you for your countesy in this.

Cordially,

ALAN BIBLE.

Hon. ALAN BIBLE,
The Senate, Washington, D. C.

MY DEAR MR. SENATOR: I would like to take this opportunity to thank you for introducing the bill S. 510 on my behalf so that I might be lawfully admitted for permanent residence and become a citizen of the United States.

I hope that this bill will be successfully enacted so that I might remain with my parents and enjoy the vast opportunities and freedom that the United States has to offer.

Thank you again for your kind attention in this matter.

Very truly yours,

MARY MOUSKALIS.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 510) should be enacted.

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Calendar No. 2011

84TH CONGRESS, 2d Session } SENATE { REPORT No. 1994

ANGEL MARIA OLAETA GOITIA

MAY 14 (legislative day, MAY 7), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 875]

The Committee on the Judiciary, to which was referred the bill (S. 875) for the relief of Angel Maria Olaeta Goitia, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name to read "Angel Marie Olaeta-Goitia".
2. Amend the title of the bill to read, "A BILL For the relief of Angel Marie Olaeta-Goitia."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Angel Marie Olaeta-Goitia. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 22-year-old native and citizen of Spain who entered the United States at Philadelphia, Pa., on December 9, 1953, as a crewman. Shortly thereafter he proceeded to Idaho and lived with an uncle for a few weeks, then secured employment with sheep ranchers at Mountain Home, Idaho, where he is presently employed. It is stated that there is a severe shortage of sheepherders and the beneficiary's services are needed.

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A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 3384, which was a bill pending in the 83d Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 3, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3384) for the relief of Angel Maria Olaeta-Goitia, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boise, Idaho, office of this Service, which has custody of those files. It is noted that the correct spelling of the beneficiary's name is Angel Marie Olaeta-Goitia.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Spain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANGEL MARIE OLAETA-GOITIA BENEFICIARY OF S. 3384

The beneficiary was born at Ibarranguelua, Vizcaya, Spain, on December 8, 1933. He entered the United States at Philadelphia, Pa., on December 9, 1953, as a member of the crew of the steamship *Ramon Oller*, and was granted shore leave. He deserted his ship on December 13, 1953, and remained in the United States. Deportation proceedings were instituted in February 1954. A hearing was accorded him on April 13, 1954, and he was ordered deported on the ground that after admission to the United States as a nonimmigrant crewman he failed to maintain the nonimmigrant status in which he was admitted. He has appealed from this decision. The appeal has not yet been considered by the Immigration Board of Appeals. On March 25, 1954, a complaint was filed with the United States commissioner at Boise, Idaho, charging that the beneficiary had willfully and unlawfully remained in the United States in excess of the number of days allowed in violation of title 8, United States Code, section 1282. The trial on this charge has not been held.

The beneficiary has attended school for 8 years. He has had no specialized or vocational education or training. He lived with his parents at Ibarranguelua, Vizcaya, Spain, until July 1951. From July 1951 until December 1953 he

was employed as a member of the crew of the steamship *Ramon Oller*. Two days after deserting the *Ramon Oller* in Philadelphia he went to Brooklyn, N. Y., where he remained 9 days; then he proceeded to Wilder, Idaho, where he stayed with an uncle, Sabino Lando, from December 23, 1953, until January 10, 1954. Since January 11, 1954, he has been employed as a sheep-camp tender by his sponsor, Domingo Aguirre, of Mountain Home, Idaho.

Mr. Olaeta-Goitia is not married. His parents reside at Ibarranguelua, Vizcaya, Spain.

Senator Henry C. Dworshak, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
March 2, 1956.

Re S. 875, for the relief of Angel Marie Olaeta Goitia

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In supplementing my letter of June 22, 1955, concerning my bill, S. 875, for the relief of Angel Marie Olaeta Goitia, I wish to state that I have just been advised that this alien is still employed by Aguirre & Sons, a partnership engaged in the sheep business at Mountain Home, Idaho, as a sheepherder. I am advised that his services have been highly satisfactory and Aguirre & Sons desire to keep him in their employ, if at all possible.

He is single, and is now 22 years of age. I wish to state again that although efforts have been made to secure sheepherders from Spain on the provisions of special immigration laws, there is still a severe shortage of this type of skilled labor in southern Idaho, and I am advised that those engaged in the sheep business are having great difficulty in securing experienced help as sheepherders and camp tenders.

It will be greatly appreciated if the committee will take favoraleb action on S. 875, which would grant permanent residence to this alien.

Sincerely yours,

HENRY DWORSHAK,
United States Senator.

UNITED STATES SENATE,
June 22, 1955.

Re S. 875, for the relief of Angel Maria Olaeta Goitia

Hon. HARLEY M. KILGORE,
United States Senate, Washington, D. C.

DEAR SENATOR: I am advised by a most reliable party at Mountain Home, Idaho, that Angel Maria Olaeta Goitia, 21 years of age, entered the United States December 13, 1953, and was employed by Aguirre & Sons as a sheepherder on January 11, 1954. I am further advised by the secretary, Idaho Woolgrowers Association, that this man is still employed by Aguirre & Sons and is reported to be a most faithful worker.

Although efforts have been made to secure sheepherders from Spain under the provisions of special immigration laws, there is still a severe

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shortage of sheepherders in southern Idaho, and I am advised that sheep outfits are having difficulty in securing experienced help as herders.

It will be greatly appreciated if the committee may take favorable action on S. 875 which would grant permanent residence to this alien.

Sincerely yours,

HENRY DWORSHAK,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 875), as amended, should be enacted.

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